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# POLITICAL SCIENCE QUARTERLY

## DEMOCRACY LOSING BY DEFAULT

SOMEHOW, in ways and for reasons not clear even to those who have lived through the period and tried to analyze its moving forces, we seem to have lost two wars, we no less than our enemies. I do not mean this only in the obvious and conventional sense that victor and vanquished alike have suffered impoverishment, destruction and human sacrifice. I mean that the ends of the wars have not been gained, that on the contrary we, no less than our enemies, have retrogressed, that our own outlook, as well as the world's outlook, is darker than before 1914 or even 1939. We of the victors have escaped subjugation and enjoyed the emotional satisfaction of exacting retribution from the Germans and Japanese, but in all else we have lost. We and the world are worse off for our victory.

We have not even the assurance of a transient peace, to say nothing of a long truce, as after Waterloo and the Congress of Vienna. On all the evidence before us, judged by historical precedents, we are now in the state of prelude to war, analogous to the years 1912 and 1937. Perhaps it is better to describe the state as one of non-belligerency—the cold war, as we call it. But it is more than cold war, if we construe that in the usual connotation of diplomatic maneuverings preliminary to war, the political moves for strategically favorable position in advance of physical collision. There is, to be sure, the simple, direct, two dimensional conflict familiar to history, compounded of ambition, pride, fear and incompatible conceptions of security begetting efforts for greater assurance of security on one side and those efforts begetting sharper fears and corresponding efforts for greater assurance of security on the



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other side—the tension between the two sides mounting with each counterpoise of efforts until it becomes unbearable and snaps under some pressure so slight in itself as to be negligible in other circumstances: the conventional "incident", some assassination at Serajevo. This is a fair description of the relations between Russia and the United States in 1948. There is more than this or we should be on familiar ground. There is also the conflict of social philosophies, the ideological conflict so called, with the pendant issue of absolutism versus democracy or, better put, representative government. There is something else, related but deeper and more lasting in its impact, something that strikes closer to the foundation of modern society. It concerns the principle and method of the conduct of organized human relations. Here, too, there is conflict—the most dangerous of our time. In this the world is worse off than before, and in this conflict the officially victorious nations, or, rather, the democratic nations among them, not only have not won, but may be said to be losing.

What is at issue in this regard is how the social crisis of our time shall be resolved: by violence at either extreme of the scale of belief or by decisions arrived at by rational processes and accepted on persuasion. In other words, shall it be by revolution imposed by terrorism, by despotism in restraint of change or by the will of the majority freely expressed? The social crisis is easier to recognize than to define with precision. It is, one supposes, generally conceded that modern society is off its pivot or what had been assumed since the middle of the nineteenth century to be its pivot, fixed by the very nature of things. Men differ as to the causes and as to the measures required to restore stability and the normal course, but they do not differ as to the fact. Nor can it be denied that the fact manifests itself mainly in economic dislocations. The faults may lie in the effects of the industrial system or in the nature of capitalism, in the evolution of the system of private property and profit in a scheme of production that makes large concentrations of ownership both necessary and inevitable; or, it may lie in something else entirely. In any case, it has come about that the center of gravity in the social system has shifted

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from the political to the economic. It is there that stability or instability is determined. The basic issue in modern society turns no longer on the principle that shall govern the individual's relation to political authority, to the state, but on the principle that shall govern the determination of the share of the individual in the product of the economy. Even the challenge of totalitarianism, at both ends of the scale in recent years, has followed economic disorganization rather than political disorganization. It is to economic malaise rather than to any new social philosophy that the resurgence of absolutism can be attributed.

On this basic issue, raising a conflict more fundamental than competitive "security", we have been moving to climax since 1919. Thus far the conflict, not yet come to open collision, has been going against us, that is, against those who presumably believe in the democratic process. We may be losing only by default, but it cannot be convincingly denied that the drift is to resolution of the social crisis by despotism for revolution or despotism to maintain the status quo. In this regard the two wars have left us worse off. The peace of Versailles took no cognizance of the issue at all. Indeed, that peace settled nothing, not even the proximate cause of the war, which was imperial rivalry. In the second war freedom from want was at least nominally one of the purposes of the anti-fascist alliance, but neither the war aims of the first war nor the peace of Versailles showed any awareness that want or the desire for relief from want had any political content. Note was taken of the Russian Revolution; but that was only a respectable nineteenth-century revolution gone wrong, led astray by fanatics and scoundrels called Bolsheviks, the ideas from which it sprang merely an aberration that had to be corrected or a poison that had to be purged out of the European system.

What did we see in the inter-war period? Not peace certainly, but also not just the resumption of the nationalist, imperialist struggle of power politics on the familiar pattern of the past, nor yet the nineteenth-century struggle for democratic rights against the pretensions of absolute rulers. There began to emerge a struggle of a different order, one that was to cut

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across national lines as well as to lie between nations. This was the conflict between Red and White, between communism and fascism, one principle and method of violence against another principle and method of violence. They had in common both principle and method; they differed as to ends. There emerged, in short, an incipient civil war, a civil war of continental dimensions, and the most diabolical of all civil wars—the class war. Red and White—these emerged as the principal antagonists. Nineteenth-century thought, the principle of government by consent, of decision by the expressed will of the majority, was being subordinated. The democratic idea had for a hundred years been gaining in adherents and in prestige and authority, in Asia no less than in the West. Now it was plainly in danger of being ground under between Red and White, both absolutist in concept as well as in method. Within a few years after the peace it was already fair to raise the question whether democracy as a principle and an institution could survive.

That it could not survive, if the economic issue continued to be politically ignored, became increasingly evident. Democracy had to be less narrowly defined and less circumscribed in application, if it was to have enough vitality to endure. The industrial revolution, the phenomenal increase in productivity, the corresponding increase in wealth and the wide spread of education which is an inseparable accompaniment of industrialization, all had combined to give the word equality a broader connotation. The idea of the equality of man was extending from the political to the economic. The rights of man had come to take in more than control over government through representation and the exercise of the suffrage. Apart from the justice of the demand for economic equality, apart from whether there could, indeed, be economic equality under *any* social dispensation, the demand for a greater approximation to economic equality, for at least economic security for the individual, had grown and had to grow and could not long be denied. The obvious increase in wealth inevitably begot a demand for a greater share for all, not as a benefaction but as a right. However abhorrent the excesses of Russian commun-

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ism, however repellent the political atavism of its despotism, however drear its doctrinaire rigidity of thought, there had to be credited to it that it had its roots in the soil of the time and was standing on a genuine issue in modern civilization. In fact, it alone was doing so; and by its emergence there was thrown glaringly into relief the supreme question of the time, which was whether the economic and social changes required by the consequences of the industrial system could be brought about by the agreement of the majority, rationally and freely arrived at, or could come only by the force of revolution or, instead, be withstood by the force of fascist dictatorship.

The Communists recognized the salient problem of the contemporary world; so, later, did the Fascists in their own way. The democratic countries or, rather, the democratic parties in the countries under the parliamentary system did not. Exception must be made for the Scandinavian countries. They had sought and found compromise, modifying their economies to permit a more equitable spread of income and security for all. To do so, they had to discard many of the nineteenth-century economic ideas and practices, but in doing so they had the consent of the majority. It is not accidental that of all Europe they remained most nearly on even keel politically and economically in the inter-war period.

Elswhere the democratic idea was being increasingly discredited throughout those twenty years. The parliamentary system, which was both its embodiment and symbol, was losing the faith of men in most of Europe. At best, it was on the defensive. Certainly it was being steadily beaten back. Mostly, it seemed futile. It seemed to signify gestures in a void, to be occupying itself with irrelevancies, trivialities and only the peripheral concerns of a society in travail. It did not, and to all appearances could not, deal with the essential problems of the time, those which affect the majority of men most vitally—the possibility of a decent livelihood, to say nothing of the promise of a better one. At the same time and for the same reason the idea of dictatorship, whether of the Left or of the Right, was steadily advancing. It appeared to offer promise, and, whether the promise was specious or not, it won adher-

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ents on that appeal. At least it was something positive. On any reading of European history in the period it is clear that dictatorship was born of desperation. For a large proportion of Europeans life was becoming unbearable and without hope. Anything else might carry hope.

There was another reason why the democratic idea was losing faith, perhaps the most important reason. More and more it was becoming associated with reaction. It was becoming associated with the status quo, just when the status quo was becoming unbearable to more and more people. There was impoverishment as a result of the war. There was chronic unemployment, at first for the same reason and later owing to the depression of 1929. At the same time there was the undoubted attraction exercised by the Russian Revolution, an attraction reinforced by economic distress. Marxism in its earlier pre-war parliamentary form already had had a solid foundation in the Social Democratic parties everywhere on the continent, and those parties had made considerable gains immediately after the war. Communism, radiating from the Russian Revolution, still in its purer revolutionary stage, drew recruits from the Social Democrats by the persuasive argument of the futility of patience and the delusion of expectation from parliamentarism in any form, even the Social Democratic. It drew recruits, too, from those theretofore unaffected by Marxist doctrine but driven by despair. There was in general a pronounced drift to the Left throughout Europe in the decade following the war.

There was a corresponding drift to the Right in the middle class, on the part of those who had once fought for political liberty, political equality, control over absolute monarchs through representation in government. Because they preferred the economic status quo, and thus the preservation of their own economic position above all else, they threw their support to the Fascist Right, though it meant the sacrifice of all the liberties won in a hundred years of effort. They did not want fascism per se and they were not unaware of the retrograde and seamier side of fascism; but forced to choose between fascism and economic change, even such economic change as

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would leave them their political liberties, they chose fascism. For them, as between the two evils, fascism and economic change, fascism was the lesser. Better Hitler than Blum, stated their philosophy almost everywhere. The result was not so much to preserve the economic status quo as to sabotage democratic institutions and enjoin moderation and the median way in social reconstruction. Communism was not extirpated. Actually many, not only workers but intellectuals, when forced to the same choice, chose communism. It was the protagonists of a vitalized democracy, vitalized by taking account of economic and social issues, who went down. The extreme Left was only weakened. It had to go underground; that was all. The democratic forces—the Social Democrats and their equivalents all over the European continent—were emasculated. The Fascist Right was endowed with irresistible strength until it felt itself able to give the challenge for mastery of Europe. But again: fascism did not win out over Left revolutionism; it won out over democracy, with the middle class, the once liberal middle class, as its stout ally.

The second war came, and, paradoxically, just when fascism was at its highest point and appeared about to become supreme in Europe, democracy obtained a new lease on life. In England in particular and in France to a lesser degree "Rather Hitler than Blum" was repudiated. The economically privileged classes were well aware that war not only would reduce their economic status but might bring revolution in its train. They elected to fight, nevertheless. To be sure, this was in larger part the reassertion of nationalism, the elevation of national self-preservation above all else, but in part it was also recoil from the prospect of the extinction of traditional liberties and subjection to a kind of barbaric tyranny from which western Europe had emancipated itself long before. When about to be lost, those liberties were deemed precious enough to die for. Democracy emerged triumphant against almost insuperable odds and thus vindicated itself. It proved not only worthy of survival but capable of survival. It had never stood in such high esteem as on the day after the German surrender.

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That is no longer true. Now, three years later, democracy's lease on life is precarious again, perhaps more so than before the war. Again it appears to be in danger of being ground under between Right and Left. Again it is on the defensive and for the same reason as in the inter-war period. It is negative; it refuses to face fundamental economic issues; it leaves the initiative to advocates of extremism, and lets the struggle go against it by default. After the beginning of the war we appeared to have recaptured the hope that the fundamental problems of modern society could be solved by the democratic method and without resort to the human waste of the two extremes, without the horrors of civil war, Red versus White. But in spite of the encouragement of the British example, that hope does not seem very robust in 1948. In fact, it is tenuous. This is the real chasm dividing the world today, deeper and broader than the ideological war, more important than what is called the cold war.

Consider, now, more specifically the division between the West and Russia or, rather, America and Russia. Is the issue just political, based on fear, or is it ideological? If ideological, what is the substance of the philosophical difference? Is it democracy versus absolutism as forms of government, or capitalism versus communism as forms of social organization or, more narrowly, free enterprise versus a controlled economy? It cannot be denied that the extension of Russian hegemony in eastern Europe and the threat of further extension into central and western Europe as well as toward the Middle and Far East have aroused apprehension in this country. Any threat of the consolidation of Europe under the sway of any single military Power has aroused America's apprehension throughout its history. No matter what Russia stood for economically and socially, its acts since 1944 would be suspect in this country. But suppose Russia had never had a revolution, were still Tsarist and autocratic and were now doing exactly what Stalin's Russia is doing, is it not equally undeniable that America would be much less stirred, its antagonism neither so widespread nor so deep? There would be no call to arms. There would be no system of bases the world over.

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There would be no economic and military support for governments everywhere, whatever their character, solely because they were anti-Russian. The iniquity of Russia would not be the leitmotiv of a national party convention.

Tsarist Russia, too, was a police state, with suppression of all forms of expression, with an Okhrana, secret arrests, secret trials and banishment to Siberian camps. No doubt Soviet Russia's suppressions, terrors, purges and prison camps are on a larger scale, more efficient and more unhuman, but is the difference in degree enough to account for the greater intensity of feeling here? There was distaste for Tsarist Russia's domestic system; there is passion now. There was distaste, too, for the methods of the Nazis before 1939, but it was restricted in scope, and the depth of feeling was easily measurable. Again, the difference is the difference between distaste and passion. Further, Tsarist Russia had no fifth column in this country and Stalin's Russia has; but is that enough to account for the difference, considering how short that column is, both in length and in influence? Were a Tsarist Russia to have taken over Poland, Yugoslavia, Hungary, Rumania, Bulgaria and Czechoslovakia, there would be resentment and suspicion here. There would be many to call attention to the danger and to the necessity of thwarting it. But there would be equally many to cry that it was none of America's business, that America could not police the world. It is, incidentally, noteworthy that the one-time isolationists are now among the most vociferous in the demand to stop the Russians. Something more than Russian aggressiveness is stirring America to an emotional pitch that it never felt against Germany in either of the two European wars or against Japan before Pearl Harbor.

Stalin's Russia is communist: therein lies the difference. The antipathy to communism is itself of diverse origin. In part it has no doubt a genuine philosophical basis: a revulsion from the autocratic state as such or, in the positive, the conviction that in democracy alone lies assurance of the preservation of the dignity of the individual. It is the conviction that, with the state as center of the social system and master, there must inevitably be a kind of helotry, whatever economic benefits

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may be conferred by the state as master—a population of well-fed and perhaps secure helots but helots nevertheless. The terrorism, repression, suppression and a-human brutality that characterize the communist state or any other kind of absolutist state are felt to be not accretions on the system but innate and inseparable from it. For this derogation from human dignity, the degradation of the individual, economic alleviation is scant compensation. Under the democratic system, with the state subservient to the individual, dignity of the person can be preserved and the way still left open for economic betterment. Here the revulsion from Russian communism or communist Russia is based on doctrine, on a conception of civilization, and it is the ground on which many in this country, without prejudice to economic questions and apart from such questions, have irreversibly turned against Russia. Among them, indeed, are not a few who sympathize in general with the economic and social objects of communism, but find the Russian construction of communism a denial of the human estate. These are many, but that they are the majority can hardly be maintained.

For the majority in America what makes communist Russia offensive is precisely its economic objects: it jeopardizes capitalism and capitalism is construed as synonymous with free enterprise. They may object to the denial of democratic rights, too, and do so sincerely; though, if the denial of democratic rights were not accompanied by denial of unimpeded economic activity, they would object to the denial much less implacably. Or, they may object only or mainly because of the limitation on economic autonomy for the individual. When they talk of democracy they mean the unlimited right to profit. It is this that has given to the feeling about Russia an asperity, a *Carthago delenda est* relentlessness that Americans have never felt before toward any other country.

There is beyond doubt a profound ideological cleavage in the world today: a conflict of ideas, of values, of principles of social organization, of civilization even. It cannot and should not be evaded, since it is a product of the forces of the age. But if not evaded, it is being confused and distorted, because

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the exponents or protagonists of the ideas presumably at issue are not properly representative of the ideas they ostensibly champion. It is illogical and unfortunate that the cause of economic equality and social reconstruction has been preëmpted by the Russians and democracy by the Americans. The Russians are politically primitive, from the point of view of political development troglodytes. They are attempting to take the whole span of political evolution at a bound. Themselves still in the rudimentary stage of that evolution, they are attempting what would be difficult in the most advanced stage: the endowment of the state with enough power to determine men's livelihood without endowing it with enough power to control all other aspects of their life—their thoughts, their beliefs, their feelings, even their words. The Americans, on the other hand, have in their heritage the whole Western political tradition and have even contributed to its development, but in social thought they are, if not primitive, at least backward, at an earlier stage of evolution. To them or to a majority of them democracy means the suffrage and free speech but also, and probably more, economic laissez faire, the right to make as much money as one can regardless of the effect on the majority and unimpeded by governmental efforts for the protection of the majority, even if the government is the majority's creation. In short, democracy means free enterprise. There is thus no clear confrontation of basic ideas—the absolute state versus a state in which government is responsible to the people, collectivism versus capitalism, or even the proletariat versus the bourgeoisie in the class war. Russia only doubtfully can be considered representative of the working class. America is representative of the democratic idea only in a restricted and outmoded sense. What we really have is medieval Asiatic despotism with Byzantine flourishes versus economic anarchy —or anarchy tempered by mild restraints.

As a result we have a repetition of the pre-war period, though now on a higher pitch of intensity, if only because the world is more disorganized, more desperate and more aquiver, and because, further, there is the complication of the Russian-American conflict of power, a complication that did not exist

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between the two wars. Again democracy has become associated with the status quo, now not derivatively as between the two wars but directly and avowedly. It is not only that America has declared the two synonymous—democracy and the economic status quo—and that America with its overwhelming preponderance of wealth can call the tune at least for the beginning of the dance. America has also permitted itself to be maneuvered into the position of mobilizing, arming and subventioning not only adherents of the status quo but pillars of reaction. America may not have done so willingly. It has not done so always for consciously ideological reasons. Indeed, the government and a substantial proportion of the American people are not always happy in the company they now keep. But by applying the test for or against Russia, not only because Russia threatens the present economic system but mainly for that reason, America has drawn to itself and accepted those whom in their proper character it would otherwise reject—those whom, what is more important, a large proportion of the people in other countries to whom the economic status quo is not the summum bonum will reject precisely because of their character. And the kind of guilt by association that America is trying to fasten on some of its dissidents at home it is in great danger of having fastened on itself by a large part of the world—as it happens, the most decent part of the world. It may come about before long that America will be rejected not for itself but for the company it keeps.

By applying the test for or against Russia America has constrained the world to a drastic choice. "In which camp, Philistine?" is becoming the first question for much of the world. And, by the translation America has given the question through its affiliations and attachments both in Europe and Asia, the choice is reduced to extreme on the Right or extreme on the Left. In the ultimate effect this means a new fascism or communism in the perverted Russian translation. Democracy in its original sense, that is, not reinterpreted to mean economic laissez faire, is left without vigorous sponsorship. In Great Britain, in Scandinavia and in fragments of other west European countries it may still have some virility, but the real

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power is behind the extremes. Again it may be asked whether democracy has any chance of survival. As the struggle progresses, unless forces now in motion are arrested, choice will be forced even on those who are reluctant, choice between two undesirables. After the first war the choice came without too much difficulty to the middle class: economic status quo, even at the price of the ugliness of fascism, rather than economic change, even though accompanied by the essentials of the democratic process. But since the second war something new has entered.

The center of power in the social composition of Europe has shifted. The middle class has lost both strength and prestige. It has been enervated by the destruction of the first war, then by the post-war inflation and the depression, and now by the destruction of the second war. It has also lost self-confidence. So also the confidence of the middle class in what were once deemed eternal verities has been shaken. On the one hand the bulwarks against the demands of the underprivileged have been shaken and are none too solid; on the other hand the underprivileged are less resigned and less passive. They on their part do not take the eternal verities as unchallengeable. Mainly, there has been the enhanced prestige of Russia and the revolution. It has been established at least that a workers' revolution does not incapacitate a country for survival. Despair has become a greater goad than ever, and simultaneously Russia has offered a demonstrably realizable hope. Again, the offer may be specious or it may be cynically tendered, but its appeal exists nonetheless. For many in the working classes, both peasant and proletariat, there may be undesirable aspects in both alternatives, communism as well as fascism; but on the one side, that of communism, there are tangible compensations and they bulk large against the surrounding hopelessness. The middle class may again choose fascism as the lesser of the two evils, but now decision may not go to it by default. The working classes, urban and peasant, also may choose and their choice counterbalance that of the middle class.

If one tries to survey the world today in a long perspective, there appears to be in progress a gigantic struggle, literally a

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struggle of giants, for planetary mastery. There is Russia, doing everything humanly possible to throw the world into the arms of America. There is America, doing everything humanly possible to throw the world into the arms of Russia. It is no doubt too early to predict the outcome, but the hypothesis may be ventured that since America, being inept in foreign politics for lack of experience—and only for that reason—seldom succeeds in foreign politics, it will not succeed in this instance either, and that the world will be spared the embraces of Stalin, Molotov, *et al.* Yet that may be taking unwarranted comfort. It must be conceded that America is striving manfully to achieve its purpose. In subventioning Chiang Kai-shek and the ruling gang of the Chinese government it strikes a mightier blow for the Russian suzerainty in Asia than ever has been struck by the Communists from Lenin and Trotsky to Stalin, Molotov and Zdanov. In subventioning the equivalents in eastern Europe, for example, Greece, though there the case is not equally stark, it strikes a similar blow in that part of the world. Everywhere in the world we appear to be giving aid and comfort to those who, whatever their words may be when talking to Americans—how they have learned the lexicon of democracy!—desire only to return Europe to the status of the past, meaning the preservation of their own privileges. We may not do so deliberately. We may not even do so consciously. Often we may do so in the immeasurable ignorance and innocence of European issues, thoughts, feelings, premises, attitudes, which unfortunately, though naturally, characterize Americans. We may do so, too, only because we are being true to ourselves and it is unjust to ask of us that we be otherwise.

A country which is only now beginning to accept the right of labor to organize and bargain collectively and accepts it only reluctantly can hardly be expected to understand or sympathize with the kind of social ends and programs espoused by, say, the Labor party in Great Britain, Blum's followers in France, Nenni's in Italy, the Socialists in Austria—all of whom believe in government with the consent of the majority but not in laissez faire or even free enterprise. There was justice in

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the plaints of the American business men who went to Japan last year, in their cry, "Why betrayest thou us?", when they found that the Occupation, perhaps inadvertently, was trying to effectuate a plan for breaking economic monopoly, instituting a large measure of governmental control, introducing social welfare measures and encouraging organization of labor. "How", they exclaimed," "can we be encouraging socialization in an enemy country we have occupied and govern when we believe in free enterprise at home?" And they were right—and now, incidentally, that we have seen the light we have stopped doing so in Japan. It is by a kind of reflex that we cleave spontaneously to those in, say, Italy who make clear that they stand by the "proved wisdom of experience" and will have none of "economic theorists", meaning that there will be no change in the agrarian system in south Italy which dooms millions to a subhuman existence or in the industrial system in the north which dooms hundreds of thousands to a subproletarian existence. This is understandable and perhaps inevitable, since America is outside the main stream of social thought of the time, and it is hardly fair to ask Americans not to be true to what is deeply and genuinely themselves. It may be understandable, but the consequences are formed nevertheless.

When the feudal landholders of Poland or Hungary or the financial and commercial oligarchy of Greece or the industrial barony of Italy or France are emboldened by our material and moral encouragement to make a bid to restore or retain their previous position, as the case may be, and thus to reinstate the condition of hopelessness that prevailed for most of the population of Europe between the wars, the masses will seek to defend their newly won rights or to gain new measures of alleviation, as the case may be. They will not have to seek far for a champion. Russia has already gratuitously assumed the rôle. If they must choose between the unbearable status quo ante 1939 and the hope of betterment held out by the Communists, they will choose the Communists, although with reservations. Americans may sincerely stand as the exponents of democracy, of the democratic processes, of freedom of ex-

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pression and of conscience against the indignities of tyranny, but when we designate and sponsor as the avatars of liberty the kind of people who now at least appear to have our patronage and probably really do, we make a mockery of liberty in the eyes of the classes that constitute a majority. When we come proffering the ballot to those who either never have had the ballot and will not have it if and when the groups we sponsor regain control, it will carry little conviction to those who are offered instead enough to eat, which they never have had before. As between the ballot, our offer, and the full belly, the Russians' offer, the full belly will win, especially among those who never have had a full belly. The Chinese Communists, for example, may or may not be sincere in promising the Chinese peasant escape from the immanent threat of starvation which is his lot. In their case there probably is sincerity. They are sincere, too, in making no promise of freedom of expression for opposing opinions. But whether sincere or not in promising a decent livelihood and although frank in permitting no opposition, they will win against Chiang Kai-shek, who stands for nothing except continuation of the deprivation the peasant always has endured—notwithstanding America's subsidizing of Chiang Kai-shek in the name of a putative Jeffersonian democracy, which incidentally means nothing to the Chinese peasant. All the peasant sees is that the Communists promise him a decent life, the existing government will hold him to the wretched life that has been his lot, and America is its ally in denying him a promise and a hope. He will deem the Communists his friend and America his enemy—as large numbers of Chinese already do, not only peasants but educated men and women in the city.

Apart from considerations of social enlightenment, wisdom and ethics, this is the inherent weakness of the American position the world over. We have the aim of checking Russian expansion, a valid aim. To that end we are arraying on our side elements in each country which can check Russia's vanguard in that country. That, too, is unexceptionable. Our error lies in taking as our protegés or agents or allies—however one wishes to designate them—those who cannot possibly win,

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because by their very nature and in the nature of their respective countries they cannot win. The tactic of puppet régimes is old and familiar. The British Empire has rested in large part on subsidized groups or puppets in its dependencies or satellites. But the British chose those who could deliver because they had or could acquire power at home. We choose those who cannot. Those we choose will loyally hate Russia for us (and for their own interests) but they cannot serve us, for they either have been repudiated at home or will be. Moral or not, puppets are an instrument honored in historical precedent. The test of the wisdom of their use is their effectiveness. Had we sought out those elements that reject the brutishness of Russian totalitarianism but at the same time advocate a social policy that by bettering life for the majority could win the loyalty of the majority, we might have had a chance to win.

If it is not too late to seek out and fortify such elements—in some countries it is not—we might still win. But thus far we have taken for our bulwarks rotted logs resting in swamps. They will moulder and sink.

As things go now, therefore, in the first instance the Communists can be expected to win in a large part of Europe and Asia. We may manage to carry out delaying actions, as for example in Greece. We probably shall not be able to do so in China, where the collapse of the Chiang Kai-shek régime, which we support, and the ascendancy of the Communists are only a matter of time, and probably a short time. But before long, unless something else intervenes or supervenes (as for example a world war which we win, despite the fact that the Russians will have almost everywhere fifth columns), the Communists are more likely to be successful, bringing with them, presumably the Russians.

This, however, only in the first instance. Russia, too, is striving to attain its end, as described before. We know that the aristocracy, the plutocracy and the bourgeoisie die hard. We have learned, too, that democracy dies hard—meaning now authentic democracy, that is, the consent of the governed, the will of the majority, representation in government, the dignity of the individual. The shadow of horror that tyranny throws

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before it, the depersonalized brutalities of secret trials, executions, slave camps, will repel large numbers who could reconcile themselves to the economic philosophy and program of Marxism. They will find themselves unhappy partners of those whom they, too, would otherwise reject. They will find themselves by the side of all the forces of reaction gathered for a last stand. They will have as allies those who are moved by the familiar political motive of *revanche* or who seek to capitalize the East-West rift to recover their lost position as great Powers, by which are meant Germany and Japan, of course.

The working class itself will be split, especially in Europe, where a large part of the working class grew up in the Social Democratic parliamentary tradition. The peasants certainly will be split, the ingrained individual possessive instinct and the instinctive suspicion of any and all government throwing many back on the side of what has been. It may be, too, that the sense of nationalism, still too strong to be extirpated, will assert itself, against Russian pretensions of universal hegemony, whether those pretensions be imperialistic or revolutionary. Against their will, perhaps, many will be driven by the atavism of Russian methods into the other camp, because there no longer will be any other place for them to go. But that camp will not represent democracy, as the institution was known in the nineteenth century. It will more nearly represent a neo-fascism. The solid core of the determined minority around which the other groups, each driven by a different motive, will gather will know what it wants and have its way.

The world will be riven in two camps, hostile, watchful and ready to spring. Both will be totalitarian, both committed to violence. America will then perhaps still fancy it is striving for the doctrine of democracy, but by then it will have established its allies securely enough to make them independent of our control. By then we shall need them enough against the imminent power struggle to make it difficult to antagonize them. They will be in a position to blackmail, as in some degree they are already doing: "withhold support and the Reds will come" is already a useful means of pressure. If the struggle should come, that is, another world war, then even if

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America should be able to mobilize enough power to win, it will not have been democracy that is vindicated. The victors, at least in Asia and Europe (apart from Great Britain and perhaps Scandinavia), will not return to nineteenth-century processes of government. One kind of totalitarianism will have given way to another, as ugly, as retrograde, as inimical to human dignity.

This is the course on which we appear to be set now. For that America bears not exclusive responsibility, but more responsibility than any other great Power—more than Russia, perhaps, since America has done so much to undermine the effective democratic opposition to Russia. The course is not yet irreversible, though even now it is already difficult to reverse, since all acts in politics make their own momentum, and month by month the difficulty increases. It can be reversed only when we array against the only form of totalitarianism now functioning, which is Russian communism, a doctrine of democracy which has been revitalized and men who genuinely believe in that kind of democracy. A revitalized democracy is one that will take account of economic forces, of the demand for economic equality which has been enhanced rather than diminished by the second war, of the need for economic reconstruction that will assure economic security. Such an application of democracy will have to be fitted, not into American concepts or into the American setting, which is unique in its physical endowment, but into the concepts and setting of the countries in which it is made. Whatever may be appropriate to America, the fact is that what Americans call free enterprise no longer is accepted in most of the world. This is a truism no doubt, but it has not yet been recognized in this country. Even of those who are now on our side in Europe and the Far East, those whom we are supporting, the majority do not believe in free enterprise in the American sense. They believe in a monopoly of perquisities for themselves. The " American way of life ", in either the economic or political interpretation, has little or no relevance in most of the world. For most of the world the choice is not between the American way of life and communist totalitarianism. It

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is between communist totalitarianism and a kind of totalitarianism or quasi totalitarianism which allocates both power and wealth to a small privileged group. Mainly, it is futile to come to most of the countries of the world east of the Rhine with preachments of the sanctity of the secret ballot and freedom of the press and speech as the content of democracy. To have any effect these must be coupled with provisions for an economic régime that will afford the possibility of a decent standard of livelihood at the least and of a higher standard of livelihood in countries where it has already reached a certain level. Without these the summons to battle for liberty will fall on deaf ears in most of the world. Without these we lose to the Communists by default, probably to Russia by default. More than that, democracy loses by default—this time not, as before 1939, with a chance for revival but for good.

Here as in all other aspects of world politics the time factor is all-important. What could have been done yesterday cannot necessarily be done today; what can be done today perhaps cannot be done tomorrow. There are fewer "third forces" in the world today than there were in 1945 and such as there may be are dispirited, even demoralized. When America, the strongest and richest of the democracies, gave aid and comfort to one group of their enemies—the exponents of reaction—they lost heart and, more than heart, followers and weapons. The aid and comfort may not already have taken concrete form in 1945. They can be conveyed immaterially too: association with the "right people", indications that of course "impractical ideas" will not be countenanced, assurances that "sound" business will not be jeopardized. These are enough for those who profit by reaction to know that they need not make concessions, that the strongest Power sees eye to eye with them. The third force both in Europe and the Far East has lost morale, but it still exists. Its morale might even be revived in certain countries. But for that to come about America must first divest itself of many of its present allies in Europe and the Far East, even at the risk of momentary advantage to Russia. Then it must put its power behind the third force without insisting on the dilution of the social and economic

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program of those who compose the third force, the program without which any third force will be as helpless as the parliamentary parties between the wars. The Marshall Plan, for example, unexceptionable in principle, could be operated so as to encourage and fortify middle-of-the-road groups. This means that America must reconcile itself to a kind of economic dispensation for other countries that it rejects for itself. Whether that is psychologically possible is another matter. As one looks over the composition of American representation abroad, to say nothing of those who make America's decisions at home, the possibility seems remote. There is not even recognition of what is involved, to say nothing of sympathy. It is in this connection that there is felt the tragedy of Great Britain's decline. Now, when it would be good for the world for England to be paramount, almost supreme as it was in the nineteenth century, it cannot wield decisive power. Now America wields decisive power—America, which is out of tune with the thought of the world, which is, in the things that matter most, more genuinely isolationist than ever before in its history. The psychological miracle may come about and America strive to give democracy a content abroad that it does not feel required at home. If it does not come about, then the world is to the totalitarians, one kind of totalitarianism or another, one recidivistic, barbaric despotism or another, with or without a Third World War, with or without the formal class war.

NATHANIEL PEFFER

COLUMBIA UNIVERSITY

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# THE SUPREME COURT AND THE CAPACITY TO GOVERN

JUDICIAL review in the United States for the greater part of its adulthood has been particularly suitable for and adapted to a political conception of the laissez faire state whose optimum—even though not wholly achievable—objective was the absence of governmental restraints on private enterprise. The interpretation of the Constitution in general, and of certain clauses in particular, in such a way as to advance this ideal picture of " the good society " is by now a familiar story. It is the story of a Court expounding the law of the Constitution in terms of the nineteenth-century philosophy of the passive or negative or, at most, " umpire " state. It is the story of a Court and to some extent of a country clinging to this basic philosophy long after the conditions under which it arose and for which it was quite appropriate had disappeared. It is also the story of a severe constitutional crisis in the 1930's which destroyed that conception of the Constitution, altered the accepted theory of the Court's rôle in interpreting it, and modified public attitudes toward American political-economic relationships in general. The fact of the positive state—the state which consciously and purposefully makes economic decisions best left in private hands under earlier theories—is with us. The fact of a system of constitutional law countenancing such actions is also with us. This means that an important shift in basic political attitudes has taken place—or, better, culminated—in the past decade or so. Such a shift has brought in its train a wide effort at reshaping ideas about democracy, individual freedom, the Constitution, and the rôle of the Supreme Court as the official expositor of the nature and reach of basic governmental authority.

Much has been written about whether the positive entrance of the state into the economic realm can be reconciled with the political concepts of democratic constitutional government.



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Such a reconciliation is possible only if we do not equate democracy or constitutionalism as such with some particular economic organization or structure. For argumentative purposes it may be useful to identify democracy or constitutionalism with economic laissez faire or some other theory of the best economic structure; for analytical purposes this is not helpful. The concept of constitutional democracy in its purest sense leaves the way free for conscious, controlled and responsible experimentation in the social and economic fields, subject to the qualification that, when majority opinion shifts after free and unfettered public discussion and criticism, governmental policy will shift to reflect the change. As Justice Holmes said more than forty years ago,

> A constitution is not intended to embody a particular economic theory, whether of paternalism and the organic relation of the citizen to the State or of *laissez faire*. It is made for people of fundamentally differing views, and the accident of our finding certain opinions natural and familiar or novel and even shocking ought not to conclude our judgment upon the question whether statutes embodying them conflict with the Constitution of the United States.[1]

Or, as Justice Stone put it a little more than ten years ago, the Constitution has "no more embodied . . . our preference for some particular set of economic beliefs than it has adopted, in the name of liberty, the system of theology which we happen to approve.[2]

If, then, there is no basic inconsistency between constitutionalism and economic experimentation, the more immediate question for our consideration becomes the rôle of the courts in marking out the limits imposed by the Constitution on the method and extent of such experimentation. For this also must be stressed: in a constitutionally limited government such as ours, constructed on the firm and tough traditions which are realistically a part of the heritage with which we must deal, it is the courts which will decide this vital question. The capacity to govern, in its prime meaning, that is, in regard to the source

[1] Lochner v. New York, 198 U.S. 45 (1905).

[2] Morehead v. New York ex rel. Tipaldo, 298 U.S. 587 (1936).

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and extent of the power to act, depends and is likely to continue to depend on what the judges will accept as coming within the meaning of the document which they alone have the final authority to interpret. A most significant development in this connection has been the decline of the so-called "mechanical theory" of constitutional interpretation, and its gradual replacement by the concept of "judicial self-restraint" as the principle by which the judiciary will in fact allow all possible constitutional discretion to the political branches in coping with increasingly complex economic and social problems.[3] Mechanical jurisprudence, wedded to unquestioned postulates born of nineteenth-century visions of an ideal political and economic order, proved inadequate for the twentieth century either as an acceptable explanation of the judicial process itself or as resulting in a viable governmental arrangement for constitutional democracy in a rapidly changing world. The recognition of this fact by Holmes, Brandeis, Cardozo and Stone, and later by the majority of the reconstituted high tribunal after the Supreme Court struggle, has led to a broad reassessment of constitutional principles by a present Court devoted to the concept of a self-conscious sociological jurisprudence and the practice of the general precepts of judicial self-restraint.

*Major Areas of Judicial Impact*

How has this shift in views concerning the judicial function affected the capacity of the United States to govern itself in domestic and world crises? What are the major areas in which judicial attitudes and activities affect the capacity of our democracy to cope with the perplexing problems facing it? In addressing ourselves to these questions, it seems to me that we must indicate the relationship of judicial activity to the problem in general and consider the broad trends in governmental development to which judicial application of basic principles must be related.

A preliminary distinction needs to be made between the *power* to govern—that is to say, the amplitude of the legal resources granting authority to act—and the *efficacy* of the

[3] See the present writer's "Constitutional Interpretation and Judicial Self-Restraint", 39 *Michigan Law Review* 213 (December 1940).

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manner in which that power is exercised. The capacity to govern includes both. So far as the first is concerned, clearly the important matters to examine are the results of the newer judicial attitude on the scope of federal legislative powers, the breadth of state authority, the consequences for the ever-recurring problem of federal-state relations, and finally the impact of the separation of powers on the scope and flexibility of administrative action. Regarding the manner in which legal powers are exercised, the two major respects in which the judicial rôle itself is primarily relevant seem to me to be the continuing requirement of fair procedure under due process of law, and the somewhat different question of the effectiveness of judicial administration itself. Another problem which deserves special attention is the dilemma posed by the doctrine of judicial self-restraint as applied to the fundamental protections accorded to civil liberties in a constitutionally limited government.

Side by side with these major areas in which judicial activity affects capacity to govern we should list certain clearly observable trends in the development of governmental structure and processes. The first of these is the tremendous growth in the significance, responsibilities and activities of the federal government. The second is a corresponding (though not so dramatic) growth in the breadth of state activities. These two do not necessarily conflict, and taken together they reflect the deeper trend toward a larger and larger share in the economic and social life of the nation on the part of governments at both levels. The third is the increasing importance of regionalism. As the fourth, I would stress the shift from legislation to administration as the major focus of the problem of government—not only in its classical rôle of policy execution but also more and more clearly and significantly in the rôle of policy-formulation under very broad and general guides from the legislature. Finally, there are a renewed significance and potential crisis in the rôle of fundamental civil liberties in a democracy. The reassessment of constitutional doctrines which I want to discuss in connection with these developments has come largely in the past ten years and largely as a result of the change in judicial

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attitude which has been described above as the emergence of judicial self-restraint.

*Breadth of Federal Legislative Power*

It should be stated at the outset that the Constitution as now interpreted by the Supreme Court clearly provides the necessary legislative power to undertake any degree of economic planning that is likely to prove politically feasible in the foreseeable future. This is a broad statement and, if true, an extremely significant one. For it means that the emphasis in discussion of these problems will have been largely shifted from the question of whether the power exists to that of the ends for which it shall be exercised and the manner in which it shall be used. These latter questions are for legislatures and administrative bodies — the responsible policy-makers in a democracy — to debate and decide on grounds of public need and expediency rather than on grounds of legal capacity or incapacity.

This general conclusion is inescapably brought in upon anyone who will study the decisions of the Court, over the past ten years, concerning the clauses of the Constitution conferring positive power on the general government. The two main sources of such power are the commerce clause and the taxing and spending clauses. No important piece of federal legislation under these clauses (or any others, for that matter) has been held unconstitutional since the dramatic shift in Supreme Court attitudes in the spring of 1937. On the contrary, the clauses conferring positive authority on the Congress have been interpreted with a breadth hardly conceivable before 1937. I shall content myself here with a few examples taken from the recent interpretation of the commerce clause, undoubtedly the most significant of the specific grants of federal power from the point of view of this discussion.

It would perhaps be more dramatic to say that the clause giving Congress the power to regulate commerce among the several states may now be exercised in such a way as to destroy the subject matter being "regulated", to apply to transactions not "commercial" in nature, and to extend to situations wholly within a single state. Like the familiar comment about the Holy Roman Empire—that it was neither holy nor Roman nor

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an empire—the commerce clause as now interpreted includes power which is not merely "regulation" applied to activities which are not "commercial" and which are not "interstate". This is too facile a way of putting it, and yet it makes a point. The power to regulate, ever since Marshall's day, had been held to include the power to prohibit; and yet in the first child labor case it was held not to include such a power with respect to interstate shipment of commodities made under labor conditions of which Congress did not approve. It now does include such a power. The extension of the power to things not "commercial" is also much older than the recent ten-year period of reinterpretation—witness the Mann Act decisions, for example—and yet this too has been given broader application in recent years. The extension of the interstate commerce power to things primarily intrastate but affecting interstate commerce is also of venerable lineage. Yet the extension of the concept in recent years to matters which earlier would certainly have been held to be "local" in character is striking and unmistakable. It is this last point which is perhaps of most importance for us, and it is here that I wish to offer a few illustrations to drive it home.

The redefinition of the power of Congress to regulate interstate commerce has resulted in the abandonment of the emphasis on physical transportation across state lines. In reversing the ancient precedent of *Paul v. Virginia*—holding insurance not to be interstate commerce—the Court said: "not only . . . may transactions be commerce though non-commercial; they may be commerce though illegal and sporadic, and though they do not utilize common carriers or concern the flow of anything more tangible than electrons and information." The Court added, significantly: "No enterprise of any kind which conducts its activities across state lines has been held to be wholly beyond the regulatory power of Congress under the commerce clause. We cannot make an exception of the business of insurance." [4]

Particularly relevant to questions of economic planning are the decisions respecting the power of Congress over the nation's water resources under the commerce clause. A leading case involved the authority of the Federal Power Commission to

[4] U.S. v. South-Eastern Underwriters' Assn., 322 U.S. 533 (1944).

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license obstructions across navigable streams. In upholding the Commission, the Court had to pass upon what was meant by the federal government's power over "navigable streams". The Court held that the river in this particular case was "navigable" even though not actually navigated or capable of being navigated in its existing condition. "Potential navigability" and the "effect of improvability" were the keys to the question. The river could be made navigable, said the Court, by the expenditure of a not unreasonable sum of money; and, since the stream was, in this sense, navigable, the federal authority could not be restricted to controls which related only to navigation. Flood protection, development of watersheds, and the utilization of any electric power which might result, all were within the reach of the commerce power. Since Congress could prohibit all obstructions whatever over such a "navigable" stream, it could grant the privilege under any conditions it saw fit. Despite a dissent by two justices ridiculing the test of potential navigability—asserting that every creek in the country is "navigable" under this test—the case seems to establish on a firm basis the broadest kind of federal power over the nation's water resources.[5] In the next year, the Court broadened the concept even more, holding that the power extended to nonnavigable tributaries of navigable streams. Moreover, if legitimate ends such as flood control and improved navigation are achieved, it is irrelevant that electric power may be generated in the process. In fact, said the Court, there may be several purposes in the over-all program; they may all be pursued so long as one of them is constitutional, and the valid objective need not even be the primary one.[6]

The general scope of the commerce power as now interpreted by the Court, although indicated broadly in the decisions upholding the constitutionality of such legislation as the Wagner Act, the Fair Labor Standards Act, the revised A.A.A. program, and others, is probably even more strikingly indicated in the subsequent decisions dealing with the applicability of these acts to specific situations. The Wagner Act, for example, was held

[5] U.S. v. Appalachian Electric Power Co., 311 U.S. 377 (1940).

[6] Phillips v. Guy Atkinson Co., 313 U.S. 508 (1941).

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applicable to a power company which did not sell power for resale outside New York State and nearly all of whose electric power was consumed within the state. Stressing the economic facts of life rather than the abstract conceptualism which characterized many of the older commerce decisions, the Court relied on the "impressive evidence of the dependence of interstate and foreign commerce upon the continuity of the service . . . ."[7]

Several cases involving the application of the Fair Labor Standards Act are particularly revealing. The Act applies in terms to all employees engaged in the production of goods for interstate commerce, including anyone "employed in any process or occupation necessary to the production thereof, in any state." The Court has held the Act validly applicable to the operating and maintenance employees of the owner of a building who rented space to producers selling largely in interstate commerce; to employees of a newspaper with a daily circulation of 11,000, one half of one percent of which was out of state; to employees of a company engaged in cleaning the windows of buildings the occupants of which were producing goods for an interstate market; and to employees engaged in repair and maintenance of vehicles which were rented out normally for interstate hauling operations. As Frankfurter said in one of these cases, "To search for a dependable touchstone to determine whether employees are 'engaged in commerce or the production of goods for commerce' is as rewarding as an attempt to square the circle." What the Court now looks at, therefore, is simply whether there is in fact a "close and immediate tie" with interstate commerce. If there is, the Act has been held applicable.[8]

Interpretation and application of other federal acts reveal similar trends. The Court ruled, for example, that the Agricultural Marketing Agreement Act of 1937 could be applied to a firm distributing milk produced locally, none of which

[7] Consolidated Edison Co. v. NLRB, 305 U.S. 197 (1938).

[8] This discussion is summarized from the present writer's "The Power to Regulate Commerce", in the symposium "Ten Years of the Supreme Court: 1937-1947", edited by R. E. Cushman, in 41 *American Political Science Review* 1170 (December 1947).

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was sold in interstate commerce. Since Congress could regulate the price of milk sold in interstate commerce, it could also, as necessary to the broader power, regulate the price of locally produced and locally sold milk which competed with that sold in interstate commerce. This was not because the local milk was itself in interstate commerce, but because the control here exerted was indispensable to the protection of interstate commerce. "The commerce power", said the Court, "is not confined in its exercise to the regulation of commerce among the states. It extends to those intrastate activities which so affect interstate commerce, or the exertion of the power of Congress over it, as to make regulation of them appropriate means to the attainment of a legitimate end." [9]

Even more sweeping language was used in opinions in 1945 and 1946 upholding the "death sentence" clause of the Public Utility Holding Company Act of 1935. "Congress of course", said the Court, "has undoubted power under the commerce clause to impose relevant conditions and requirements on those who use the channels of interstate commerce so that those channels will not be conduits for promoting or perpetuating economic evils." Hence, continued the opinion,

> to the extent that corporate business is transacted through such channels, affecting commerce in more states than one, Congress may act directly with respect to that business to protect what it conceives to be the national welfare. It may prescribe appropriate regulations and determine the conditions under which that business may be pursued. . . . In short, Congress is completely uninhibited by the commerce clause in selecting the means considered necessary for bringing about the desired conditions in the channels of interstate commerce. Any limitations are to be found in other sections of the Constitution.[10]

The abandonment of abstract formulae and the adoption of a realistic view of national economic interdependence is illustrated in one other opinion. In upholding the Agricultural Adjustment Act of 1938 as applied to a farmer raising only 23 acres of wheat, all of which he consumed or fed to his own stock,

[9] U.S. v. Wrightwood Dairy Co., 315 U.S. 110 (1942).

[10] American Power and Light Co. v. SEC, 329 U.S. 90 (1946).

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and none of which was intended for interstate commerce, the Court denied the inapplicability of the Act merely because none of this particular wheat actually crossed state lines. The familiar contention that agricultural production is a purely "local" matter—the major basis of the first A.A.A. decision in 1936—was specifically rejected. Commenting directly on such formalistic distinctions of earlier commerce decisions, the Court said:

> We believe that a review of the course of decisions under the Commerce Clause will make plain, however, that questions of the power of Congress are not to be decided by reference to any formula which would give controlling force to nomenclature such as "production" and "indirect" and foreclose consideration of the actual effects of the activity in question upon interstate commerce.[11]

Such formulae, continued the Court, cannot prevent the commerce power from being validly used to control intrastate activities having an actual effect on interstate commerce, even though under earlier decisions they might have been defined as "local" or "indirect" and therefore beyond the reach of Congress.

### "*Coöperative Federalism*" *and the Disappearance of the* "*Twilight Zone*"

The new attitude of the Court with respect to the rôle of the judiciary—characterized by a tolerance for legislative and administrative action on both the national and state levels—has also resulted in the death of "dual federalism", the virtual disappearance of the "twilight zone" between federal and state powers, and the emergence of what might be called "cooperative federalism". The older attitude as reflected in constitutional interpretation often led to the existence of a "twilight zone" within which neither state nor federal agencies could act to meet pressing economic and social problems. As Professor Corwin has pointed out for example, before the decision in *U. S. v. Darby* overruling the first child labor case, "*both* Congress and the States were forbidden to prohibit the

[11] Wickard v. Filburn, 317 U.S. 111 (1942).

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free flow of the products of child labor from one State to another—the former on the ground that it would be usurping power reserved to the States; the latter on the ground that they would be usurping Congress's power to regulate commerce! " [12]

This general attitude toward the exercise of federal power in the social and economic realm—the position that such federal action was invalid because of the mere existence of the states—came to be known, in Corwin's phrase, as " dual federalism ". This doctrine held, in brief, that Congress could not use even its specifically delegated powers in such a way as to regulate matters deemed to be inherently " local ". The Tenth Amendment (although itself referring clearly to those powers " not delegated ") was used to buttress this peculiar and logically untenable position.

Two general developments have destroyed the " twilight zone " for the most part and have authoritatively disposed of " dual federalism ". One is the extension of the principle of what might be called federal " enabling legislation ", under which Congress passes an act in effect validating state action in a field where the states would otherwise be held unable to act. This is the principle made familiar in the Webb-Kenyon Act, allowing states to control shipment of liquor from out of state in the interests of local prohibition, before the Eighteenth Amendment. It has been applied to the control of shipments of convict-made goods, and, more recently, to state laws controlling insurance companies operating in interstate commerce. In these instances it is clear that the exercise of federal power does not detract from state power, but in fact adds to it. After *Paul v. Virginia* had been overruled in 1944, and interstate insurance transactions were held to be interstate commerce, the question was immediately raised whether all the numerous long-standing state laws controlling such activities were therefore void as interferences with interstate commerce. Congress hurriedly passed the McCarran Act in 1945 providing that this interstate insurance business should continue to be subject to state laws except as Congress might specifically provide otherwise. This legislation was sustained by the Supreme Court,

[12] Edward S. Corwin, *Court over Constitution* (Princeton, 1938), pp. 115-116.

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leaving the states and the federal Congress in partnership, as it were, in the control of interstate insurance activities.[13] This is truly "coöperative federalism" rather than "competitive federalism"—and dispels the older tendency to consider that whatever increased national power *ipso facto* diminished the range of state activities.

The other major development in destroying or minimizing the "twilight zone" between the two levels of government was the flat rejection in the Darby case of the doctrine of "dual federalism". For the purposes of the specifically granted powers, said the Court in sustaining the Fair Labor Standards Act, the United States has the plenary authority of a unitary government, and the existence of the states does not operate to limit or diminish these powers. The basic ambiguity of holding that the reservation of powers not granted somehow operated even to limit those which were granted was at last disposed of. The Darby opinion brusquely abandoned the entire concept. "The [Tenth] Amendment states but a truism that all is retained which has not been surrendered. There is nothing in the history of its adoption to suggest that it was more than declaratory of the relationship between the national and state governments as it had been established by the Constitution before the Amendment."[14] The dubious argument that the reserved powers of the states could operate as limitations on the specifically granted powers of the federal government was rendered no longer constitutionally respectable.

A corollary to this development is the gradual emergence of what has been called a "leave-it-to-Congress trend" in the review of state legislation alleged to interfere with the unexercised power of Congress over interstate commerce. Without going into detail, it is perhaps sufficient to say that the present Court is more and more taking the attitude that state laws affecting interstate commerce are to be upheld if Congress has not acted, and that the resulting problem of harmonizing state actions and evolving a general policy in these areas is a legislative—not a judicial—function. This means that the era of

[13] Prudential Insurance Co. v. Benjamin, 328 U.S. 408 (1946).

[14] U.S. v. Darby Lumber Co., 312 U.S. 100 (1941).

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judicial application of the dormant commerce power may be drawing to a close; except in extreme cases, the Court is coming more and more to the view that it is the duty as well as the power of Congress to protect interstate commerce through a positive exercise of national authority where that seems required. The general view is best expressed in a dissent which, like other dissents, is gaining increasing acceptance by the new majority.

> Judicial control of national commerce—unlike legislative regulations—must from inherent limitations of the judicial process treat the subject by the hit-and-miss method of deciding single local controversies upon evidence and information limited by the narrow rules of litigation. Spasmodic and unrelated instances of litigation cannot afford an adequate basis for the creation of integrated national rules which alone can afford that full protection for interstate commerce intended by the Constitution. . . . Unconfined by "the narrow scope of judicial proceedings" Congress alone can, in the exercise of its plenary constitutional control over interstate commerce, not only consider whether such a tax as now under scrutiny is consistent with the best interests of our national economy, but can also on the basis of full exploration of the many aspects of a complicated problem devise a national policy fair alike to the States and our Union. Diverse and interacting state laws may well have created avoidable hardships. . . . But the remedy, if any is called for, we think is within the ample reach of Congress.[15]

Despite exceptions and a considerable degree of continuing uncertainty in some areas, it is probably accurate to say that the newer attitude toward the judicial function has resulted in more and more discretion for state legislatures to exercise tax and police powers which impinge on interstate commerce, and to adopt the general view that where such legislation results in problems in the realm of interstate trade those problems are properly left for the federal Congress to resolve by a positive exercise of the commerce power.

Thus the total result of the Court's attitude toward its own function in the field of federal-state relations has been to strengthen the scope of the granted powers of Congress, at the same time to broaden state powers over interstate matters in

[15] McCarroll v. Dixie Greyhound Lines, 309 U.S. 176 (1940).

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the absence of federal action, and, in effect, to replace " competitive federalism " with a newer concept of practical " cooperative federalism ".

*Judicial Review of Administrative Determinations*

So far we have been talking mostly about the Court's rôle with respect to legislation. But if one of our earlier generalizations as to modern governmental trends is correct—if the focus is shifting from legislation to administration as the vital element in the process of governing—then it becomes important to look at least briefly at changing conceptions of the judicial function in the review of administrative determinations.

The most striking fact in this connection is perhaps that while the Supreme Court itself has in recent years taken a much more modest view of its rôle in controlling the procedural as well as the substantive aspects of administrative activities, the Congress has (after several years of acrimonious controversy) attempted by legislation to impose the standards of ordinary judicial proceedings on administrative action. Until the passage of the Administrative Procedure Act of 1946, the major area of interest in this connection was the question of what the Court thought the concept of " due process of law " imposed on the judiciary in the way of control of administration. And the trend in recent years was toward a greater recognition by the Court of the peculiar nature of the administrative process, of the inapplicability of the rules of ordinary judicial procedure to that process, and of the need for judicial review to limit itself largely to questions of " law "—leaving to expert administrative bodies a wide range of discretion in modes of proceeding and in conclusiveness of findings of fact. This in itself was a substantial modification of earlier judicial attitudes, which held that courts must under due process not only satisfy themselves that the minimum requirements of fair procedure were being met, but must also review questions of fact as well as law. This latter concept resulted in practice in the courts' reviewing administrative findings *de novo*, and reduced administrative proceedings to the status of mere preliminary investigations to be reconsidered afresh in the event litigation reached the courts. Two brief comments must therefore be added in

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this connection. One has to do with the newer attitude of the Court itself toward the administrative process; the other has to do with prospective effects of the Administrative Procedure Act.

On the first point, the major emphasis has been on the degree of finality the courts will accord to administrative findings of fact. It is generally accepted that the due process clause requires the courts to insist on the elements of fair procedure—although there has always been a lively controversy as to just what these are. It is not generally accepted that the same clause requires courts to reëxamine findings of fact, and indeed the official theory for some time has been that administrative findings, if supported by "substantial evidence", are final and conclusive on the courts. Like some other such theories, however, it was honored in the breach almost as much as in the observance for a number of years. In the past decade or so the Court has recognized the need for reliance on expert administrative bodies and the inapplicability of many of the older ideas drawn from judicial proceedings to the functioning of the administrative process.

A few examples will serve to indicate the general feeling. In upholding state administrative action in the complicated field of conservation of petroleum resources, for instance, the Court speaking through Justice Frankfurter observed:

> When we consider the limiting conditions of litigation—the adaptability of the judicial process only to issues definitely circumscribed and susceptible of being judged by the techniques and criteria within the special competence of lawyers—it is clear that the Due Process Clause does not require the feel of the expert to be supplanted by an independent view of judges on the conflicting testimony and impressions of expert witnesses.[16]

And in the course of the lengthy litigation in the well-known Morgan cases involving the federal Packers and Stockyards Act and administrative determinations of the Secretary of Agriculture thereunder, the late Chief Justice Stone expressed the emerging view of the Court in these terms:

[16] R. R. Comm. of Texas v. Rowan & Nichols Oil Co., 311 U.S. 570 (1941).

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> In construing a statute setting up an administrative agency and providing for judicial review of its action, court and agency are not to be regarded as wholly independent and unrelated instrumentalities of justice, each acting in the performance of its prescribed statutory duty without regard to the appropriate function of the other in securing the plainly indicated objects of the statute. Court and agency are the means adopted to attain the prescribed end, and so far as their duties are defined by the words of the statute, those words should be construed so as to attain that end through co-ordinated action. Neither body should repeat in this day the mistake made by the courts of law when equity was struggling for recognition as an ameliorating system of justice; neither can rightly be regarded by the other as an alien intruder, to be tolerated if it must be, but never to be encouraged or aided by the other in the attainment of the common aim.[17]

This was clearly a rebuke to the general judicial attitude toward administrative action exhibited in the past by the Supreme Court as well as other courts. It reflects an important change in attitude on the part of the Supreme Court which can also be found in the writings of other men now on the bench. Justice Jackson has said:

> The creation of these fact-finding tribunals has been one of the significant legal movements of the twentieth century. . . . The administrative fact-finding tribunal has been the heart of nearly every social or economic reform of this century. Workmen's compensation systems, regulation of railroad and utility rates, the Securities Act, the Labor Relations Act, and many other regulatory plans would fail if the administrative body charged with enforcement could be smothered in litigation similar to that in the *Morgan* case.[18]

And Justice Douglas reinforced this view when he said:

> Effective control calls not for the slower and heavier method of judicial decision but for the more subtle and more sensitive control of daily administrative action. This is not to say that

[17] U.S. v. Morgan, 307 U.S. 183 (1939).

[18] Robert Jackson, *The Struggle for Judicial Supremacy* (New York, 1941), p. 262.

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> studied efforts should be made to prevent parties from having their rights established by the courts of the land. Rather it means that adequate and effective methods of administration have never been and can never be fashioned through the judicial process. . . . The battle will be lost through the fearfully cumbersome and indirect processes of the courts, even assuming judicial approval or indulgence.[19]

Awareness of these general attitudes, together with recognition of the fact that in the past ten years the overwhelming proportion of administrative actions challenged in the Supreme Court have been upheld, would lead one to the general conclusion that even the highly dubious provisions of the Administrative Procedure Act will be interpreted, if possible, so as not to straitjacket the administrative process. The ultimate interpretation of the Act, after all, will be in the hands of a Court which has demonstrated that it is realistically aware of the limitations of the judicial process and reluctant to force administrative proceedings to mirror these defects.[20]

*The Redefinition of Individual Rights*

Along with this revision of the constitutional gloss concerning the powers of state and national governments has come also a redefinition of those individual rights and liberties which the Constitution protects from government interference. This redefinition has proceeded in two directions. The first has been the tacit acceptance of a fundamental distinction between economic rights, so called, and civil and political rights, together with a drastic reassessment of the former in the direction of reading them out of the Constitution as limits on experimental legislation in the economic realm. This is, of course, consistent with the other trends mentioned above. It is most conspicuous in connection with the virtual abandonment of the concept of "liberty of contract", which, as read into the Fifth and Four-

[19] William O. Douglas, *Democracy and Finance* (New Haven and London, 1940), p. 252. For a general discussion of judicial attitudes in this realm, see the present writer's "Administrative Justice and Judicial Self-Restraint", 14 *Mississippi Law Journal* 305 (April 1942).

[20] For a development of this view, see the present writer's essay-review "Some Observations on the Effort to Judicialize the Administrative Process", in the Spring 1948 issue of the *Public Administration Review*.

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teenth Amendments, stood as a major obstacle to any legislation affecting such vitally important matters as wages, hours, labor conditions, or prices. In other respects as well, "liberty" in the due process clauses has been interpreted as a less rigorous restriction on state and federal social and economic legislation. This is perhaps simply another way of saying what has been said already: that the rule of the presumption of legislative validity tends to circumscribe the restrictions on legislative action to the relatively small area of those clearly and specifically set forth in the document itself.

The other direction in which the redefinition of individual rights has proceeded is not, at first glance, so easy to reconcile with these general trends toward "laissez faire for legislatures"; for concurrent with the above development has been a sharp broadening of the restrictions on legislative and administrative bodies in matters affecting basic civil and political rights. Constitutional limitations of this sort have been greatly expanded by judicial interpretation in the past ten years. Here at least there is no disposition to exercise self-restraint in such a way as to leave greater range to legislative discretion. The burden of proof in these areas is not put upon those attacking the statute, but upon those who support its necessity.

This development, seemingly contrary to the general trend toward judicial self-restraint, is again a projection of elements inherent in the dissents of Justice Holmes. The whole concept of judicial self-restraint took its decisive impetus from the Holmes approach; the basic distinction between economic and political liberties is implicit in Holmes; and the refusal to follow the concept of laissez faire for legislatures all the way to its seemingly logical conclusion of judicial hands off even in civil liberties cases is also to be found in Holmes.[21] The point that it was Holmes who drove home to us the importance of leaving the popular branches of the government legal leeway for experimentation in social and economic matters need not be labored. The basic distinction between economic and political liberties, though not so explicit, is there also. As Frankfurter put it in his little book on Holmes:

[21] Much of the following treatment is summarized from the present writer's "Mr. Justice Murphy, Civil Liberties, and the Holmes Tradition", 32 *Cornell Law Quarterly* 177 (November 1946).

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> The Justice deferred so abundantly to legislative judgment on economic policy because he was profoundly aware of the extent to which social arrangements are conditioned by time and circumstances, and of how fragile, in scientific proof, is the ultimate validity of a particular economic adjustment. He knew that there was no authoritative fund of social wisdom to be drawn upon for answers to the perplexities which vast new material resources had brought. And so he was hesitant to oppose his own opinion to the economic views of the legislature. But history had also taught him that, since social development is a process of trial and error, the fullest opportunity for the free play of the human mind was an indispensable prerequisite. . . . Naturally, therefore, Mr. Justice Holmes attributed very different legal significance to those liberties of the individual which history has attested as the indispensable conditions of a free society from that which he attached to liberties which derived merely from shifting economic arrangements.[22]

Hence, while insisting on deference to legislative judgment and indulgence of all possible presumptions in favor of legislation in social and economic matters, at the same time he devised and installed in our constitutional law the concept of "clear and present danger" as the prime test against which any attempt to infringe civil liberties must be measured. The effect of such a test was to reverse the ordinary presumption of validity, and to shift the burden of proof in such cases to those who supported the statute. Without going into detail in the individual cases, it is perhaps enough to say here that the Court has in the past ten years taken the "clear and present danger" test—which was until then primarily a dissenting view—and has made of it the chief touchstone in the judgment of cases involving civil liberties. This, then, means a sharp modification of the general doctrine of "laissez faire for legislatures" whenever civil liberties are involved.

Those who take this view are charged by some writers and by dissenting colleagues on the Court with logical inconsistency and, indeed, with misinterpreting Holmes. Oddly enough, Frankfurter himself has best expressed this view at great length

[22] Felix Frankfurter, *Mr. Justice Holmes and the Supreme Court* (Cambridge, 1938), pp. 50-51.

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in his dissent in the second flag salute case. In brief, his plea is that democracy means democracy, that judicial review is *ipso facto* a limitation on democracy, that therefore the judicial function must be limited to a fairly narrow rôle not only in social and economic legislation but also in legislation dealing with civil liberties, and that legislatures themselves must be relied on not only for coping with complex economic and social difficulties but also fundamentally for the protection of our civil liberties.

The basic question here is whether there is any support in law, logic or democratic philosophy for the segregation of cases involving acts of legislators and administrators into two categories—those concerning social and economic matters and those concerning civil liberties—and proceeding to apply to the first the tenets of judicial self-restraint while reversing the usual presumption of validity with respect to the second. Among those who attack the proposition is a keen student of American constitutional history, Professor Henry S. Commager, who argues that the true Jeffersonian liberal should favor judicial self-restraint in all cases—whether involving civil liberties or not. Although a strong "emotional case" can be made for judicial protection of civil liberties, he says, once we

> grant the desirability or necessity of calling in the judiciary to protect civil liberties. . . we concede that the majority is not to be trusted in what is perhaps the most important field of legislative activity. If we are compelled to make that concession here, in a matter so vitally affecting the liberty and happiness of every member of society, then we might indeed despair of democracy.[23]

This position is based ultimately on the belief that "majority will does not imperil minority rights, either in theory or in operation." Thus we would reach mature democracy only in placing full reliance in the acts of the majority, unrestrained by judicial censorship.

The other view would hold basically that judicial protection of civil liberties not only was not restrictive of

[23] Henry S. Commager, *Majority Rule and Minority Rights* (London, New York, Toronto, 1943), pp. 67-68.

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democracy, but was in fact, in the setting of American traditions, an essential part of it. In evaluating these two contrary views, it would seem helpful to distinguish between the *substance* of democratic decisions (which should not be subject to judicial invalidation on the basis of vague constitutional clauses) and the *procedure* by which the dominant opinion in a democracy is formulated and expressed (which must be kept as pure and free as judicial alertness in enforcing the specific freedoms set forth in the First Amendment can contrive).[24] Indeed, for the substance of the decisions to be truly democratic, the process by which they are reached must give as much free play as possible for the transmutation of present minorities into future majorities by the unencumbered operation of freedom of thought, communication and discussion. From this point of view, the uninhibited freedom to argue and discuss (limited only by grave and immediate danger to the state) is in fact an integral part of, although antecedent to, the democratic legislative process itself. Thus to uphold the restrictions on freedom of thought and communication which may be placed in effect by a temporary majority would be actually to reduce the facility with which the democratic process of transforming that transient majority into a minority—a process essential to the very concept of democracy—could take place. If this is true, then democracy is improved every time such obstructions to the full operation of the *procedural* prerequisites to mature popular decisions are removed or reduced, just as it is by the adoption of a policy of honoring the *substantive* results of such mature popular judgments embodied in general social and economic legislation.

The outstanding American authority on free speech supports this view. Professor Zachariah Chafee notes the familiar fact that the justices who uphold wide legislative control over business are often the very same men who want to invalidate any wide legislative control over free discussion. These justices "know that statutes, to be sound and effective, must be pre-

[24] For concurrence in this general view, and a striking analogy to illustrate it, see A. W. Macmahon, "Conflict, Consensus, Confirmed Trends, and Open Choices", 42 *American Political Science Review* 1 (February 1948), at p. 10.

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ceded by abundant printed and oral controversy. Discussion is really legislation in the soft." Laws which would prevent the questioning of present economic institutions would tend to freeze the status quo in much the same way as a rigid judicial interpretation of "liberty of contract" sought to do.

> Therefore [he says], the critical judicial spirit which gives the legislature a wide scope in limiting the privileges of property owners will also tend to allow speakers and writers a wide scope in arguing against those privileges. So it is not really surprising that Justice Holmes dissented in both *Lochner v. New York* and *Abrams v. United States*. Liberty for the discussion which may lead to the formulation of a dominant opinion belongs side by side with the liberty of lawmakers to transform this dominant opinion into the statute that is its natural outcome.[25]

This, like most other problems of government, remains in the last analysis a question of degree. Hence justices on the present Court, a majority of whom adopt this general position, continue to disagree as to its application to particular sets of facts. Some recent decisions suggest that even the present Court is not willing to go as far in protection of civil liberties as many would wish. Recent governmental actions and proposals suggest that civil liberties are not safe from assault in the immediate future. Any complacency on this score will be sharply jarred by a perusal of the recent report of the President's Committee on Civil Rights. Again, as in the past, it is likely to be the courts to which the people must turn—in the first instance, at least—for the protection of basic political and civil rights without which the machinery of democracy becomes meaningless. The Supreme Court in the recent past has broadened the reach of the protection of civil liberties very substantially. The healthy functioning of our democracy, and its ability to solve the critical problems of our times in a democratic manner, will depend in great measure on the constancy of the Court in pursuing and extending this attitude.

[25] Zachariah Chafee, Jr., *Free Speech in the United States* (Cambridge, 1941), pp. 360-361. See also Carl B. Swisher, *The Growth of Constitutional Power in the United States* (Chicago, 1946), ch. vii.

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*The Rôle of the Judiciary: Conclusions and Prospects*

What conclusions then can we draw with respect to the consequences of this newer judicial attitude for America's capacity to govern and to meet the pressing problems of the day in a democratic fashion? It seems to me that, expressed in very broad terms, the results of judicial reëxamination of our constitutional structure in the past ten years or so are roughly the following. There has been a vast strengthening of the power to govern, on the part of both the nation and the states, where that power is appropriately exercised. There has been a notable willingness to view the Constitution, not as a set of specific and detailed legal rules, but as an effective charter of government, broad in outlines and flexible in application to changing social and economic conditions. There has been a readiness to abandon a formalistic and conceptualistic approach to the problems of constitutional interpretation, and to look rather at the practical " facts of life " in an economic sense as the setting in which the fundamental law is to be applied. There has been essentially a recognition of the right of experimentation in the reshaping of social and economic institutions as basic to the very concept of democracy. And there has been, at the same time, a renewed awareness of the vital rôle of civil and political liberties in the functioning of the democratic process.

This, in sum, means a recognition of the limitations of judicial procedure and a willingness to leave to responsible legislative and administrative bodies the major discretion in the solution of problems with which they are selected to deal. It means a corresponding disposition not to overrule the acts of national and state governmental organs except in accordance with the most specific limitations in the Constitution. It means, therefore, to a large extent, a judicial withdrawal from the realm of policy-making as such. If followed out, it would mean, not that the problems facing our democracy would thereby necessarily be solved, but that the solutions would be sought by the agencies best fitted to find them.

What would it leave to the judiciary? It would leave it the primary duty of protecting civil liberties—freedom of speech, press, assembly, religion, as well as the requirements of fair trial

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procedure—together with the function of reviewing the acts of administrative agencies to be sure they were within their grants of statutory authority and were fulfilling the procedural requirements of due process. It would mean that the courts would still play an extremely significant rôle in our governmental machine—and the rôle for which by nature they are best fitted. It would also mean, however, in a very real sense, judicial self-limitation with regard to the determination of the substance of policy. The results in the last ten years of such judicial self-limitation constitute the most significant aspect of constitutional development today. And, as Justice Frankfurter said before he ascended the bench,

> Such self-limitation is not abnegation; it is the expression of an energizing philosophy of the distribution of governmental powers. For a court to hold that decision does not belong to it, is merely to recognize that a problem calls for the exercise of initiative and experimentation possessed only by political processes, and should not be subjected to the confined procedure of a lawsuit and the uncreative resources of judicial review.[26]

If we are to take seriously the emphasis on constitutionalism —or limited government—we must ask ourselves a few further questions. The most familiar one is: are there any enforceable limits left on governmental power? To some the present tendency of the Court is toward abdication of its functions and perversion of our republican form of government in the direction of an omnipotent legislature. To others, the newer view means only a reëstablishment of the powers of democratic government heretofore unduly restricted by a mass of judicial precedents woven in a period of political and economic laissez faire. Which view one takes is likely to depend on whether one views with alarm the increased power of the political branches of government to act with respect to broad social and economic problems. Whichever view is adopted, however, it is clear that the answer to our question is emphatically that there are still important and meaningful limits on the political branches which will continue to be enforced by the judiciary.

[26] Felix Frankfurter, *The Commerce Clause under Marshall, Taney, and Waite* (Chapel Hill, 1937), pp. 95-96.

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In the first place, many of the prohibitions in the Constitution are in clear and specific terms (although the most controversial ones have been the vague and ambiguous provisions), and there can be no doubt that courts will continue to enforce them as vigorously as ever. In the second place, the denaturing of substantive due process has still left the important limitation of fair procedure in full strength, and has made this area an even more significant one for judicial action. And, finally and most importantly, if our previous discussion has any validity, a most vital area for the judiciary will continue to be the problem of protecting basic civil and political liberties. None of these limitations can be precisely defined in advance. This will remain a continuous and flexible process, and will continue to depend primarily on the personalities and attitudes of the justices themselves.

Does there seem to exist at the present time adequate power under the Constitution to deal with immediate economic problems and to embark on whatever measure of longer-range economic planning is likely to recommend itself to the people? As I have indicated earlier, I think that the answer to this question is yes. Both state and national powers are being broadly defined; the alleged delegation of legislative power to administrative agencies is viewed much less narrowly than before; considerably greater weight is placed on administrative discretion in fact-finding and rule-making; and the constitutional elements are therefore present for the development of effective administrative bodies making possible the emergence of a group of truly professional public administrators. Barring a very rapid popular movement toward the Left (which seems not likely under present circumstances), I would repeat that there seems to be in the Constitution as now interpreted by the judiciary ample resource in terms of legal power for any degree of economic planning that is likely to prove politically feasible in the foreseeable future.

Someone will certainly ask, however: is there any guarantee that these judicial attitudes will continue to prevail? The answer is clearly no. So long as it is the judiciary itself which exercises the power to define what the limits are, there is the

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possibility, and indeed the probability, that the future will bring again the familiar lag between what is judicially acceptable and what the dominant opinion of the majority is seeking. This is, of course, part of the price we pay for "constitutionalism" or limited government. The only guarantee of enlightened judicial attitudes is an alert and effective public opinion, which has freed itself from the mythology of judicial supremacy and, understanding both the value and the cost of the institution, is constantly on guard to maximize the value and minimize the cost.

What this means, I suppose, is that continued scrutiny of the courts and of the judicial process is therefore a prime obligation of informed citizenship. Positive powers of the government now seem very broad. The major area for concern at the moment is in the realm of civil liberties; and most of us are looking toward the judiciary as a bulwark of these vital democratic rights. But with time this may well shift. The mechanism to enforce the principles of "constitutional democracy" may, like all mechanisms, cease to do its job well. It may enforce limitations where there should be none; it may neglect to enforce the most vital of limitations. Since it is the judiciary which provides this mechanism in American government, there is some likelihood that it will continue, as in the past, to find itself out of touch from time to time with the main currents of popular thought. This is perhaps not too high a price to pay for constitutionally limited government if we believe that the general body of citizens can be trusted to see the process for what it is, and to bring courts and judicial doctrines back in line with the needs of the community. The experience of the last ten years has shown dramatically how this can be done, and is a prime reason for hope that it will be done again in the event it proves necessary in the uncertain years ahead.

VINCENT M. BARNETT, JR.

WILLIAMS COLLEGE

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# THE SOVIET APPROACH TO INTERNATIONAL TRADE

ANY consideration of the Soviet approach to international trade must of course be cast within a framework which recognizes the monolithic nature of the Soviet state, and the fact that a totalitarian political philosophy may be expected to involve the use of foreign trade as an instrument of national policy. It is also clear that the economic aspects of foreign trade have a bearing upon the domestic economic development of the Soviet Union, and the field is therefore one in which there is a substantial amount of interaction between the institutional forces of the domestic economy and the objectives of foreign policy. Hence it is proposed first to examine Soviet foreign trade from the standpoint of Soviet domestic economic plans, also to review the motives which the Soviet Union may have from a domestic and from an international standpoint in conducting foreign trade, in addition to note the methods which the Soviet Union undertakes to use in foreign trade, and finally to consider the relationship of these various factors to trade as it is conducted in the non-Soviet world, with particular reference to trade policies sponsored by the United States through the United Nations.

The Soviet domestic background for international trade is quite obvious. The U.S.S.R. has directed itself toward economic self-sufficiency. It has exported in order to earn foreign exchange with which to buy necessary imports, and it has subordinated trading considerations to those of autarky. Its imports have been goods designed to increase the productive machine of the socialist state, and its exports have been largely raw materials and food, sometimes sold in quantities that could be spared, and sometimes made available at great sacrifice in order to cover import commitments. By and large, Soviet deficiencies are in the field of producers' goods, although rubber



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and certain other tropical products must also be obtained from abroad. The Soviet ability to copy or invent producers' goods presumably grows with the years, as does its capacity for devising substitutes for imported raw materials. Nevertheless the world outside does not stand still; in fact the flexibility of Western forms of organization in industry and science would indicate a substantial continuing advantage over the Soviet system. Therefore it is clear that genuine self-sufficiency for the Soviet Union is not attainable, except at a retarded level of development which would be incompatible with the presumed security and political objectives of the Soviet state. The foreign trade which continues in circumstances such as these is not that deriving primarily from comparative economic advantage, but is rather trade which is strictly controlled and which has the direct objective of increasing Soviet economic independence from foreign economic relations. This drive for autarky is openly professed by Soviet authorities, and its achievement in substantial measure was hailed by Commissar Mikoyan on the eve of World War II,[1] when he stated in part: "Our country is now so strong economically that she can more or less fully satisfy her own requirements without imports. Most of our imports are made in order to speed up the growth of certain industries and to develop them at a faster rate than is at present possible with our own resources."

A word might be said as to the motives which the Soviet Union may have in seeking to achieve economic self-sufficiency. It must be recalled that the Tsarist régime was frequently concerned over the economic development of Russian resources, and usually followed a policy of high protectionism to foster industries in various stages of infancy and adolescence. The ideology of the Soviet régime has of course placed great stress on the isolation of a state defined as socialist in a world defined as capitalist, and on the alleged irreconcilability of the two systems. Soviet preoccupation with matters of military defense has coincided very well with ideas of autarky; the Soviet

[1] Mikoyan, Anastas, Speech at the Eighteenth Congress of the C.P.S.U.(B.), in *The Land of Socialism Today and Tomorrow: Reports and Speeches at the Eighteenth Congress of the Communist Party of the Soviet Union (Bolsheviks)*, March 10-21, 1939 (Moscow, Foreign Languages Publishing House), p. 375.

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Union assumed that it might find itself in a war, with no allies, and it determined to build up its economy in such a way as to be able to defend itself successfully. It may therefore be inferred that the Soviet autarky program is rooted in ideology, military preparedness, the desire to overcome economic backwardness, and the almost universal concept of the requirements of being a great Power. It is quite apparent that in the case of the Soviet Union an objective of autarky is more feasible in terms of resources than it would be for any other country. Centralized control of the economy, coupled with a complete state monopoly of foreign trade, gives the Soviet régime the means of achieving this objective, without the need for any concern over the satisfaction of consumer demand for imported products, or the costs involved in producing goods for export. The Soviet Union's share of world trade has at all times been small, even smaller than that of Tsarist Russia. Certainly the Soviet leaders do not believe that expanded international trade is desirable per se.

It is true, however, that in a few areas of the world, especially in the Middle and Far East, the U.S.S.R. has sold industrial and manufactured goods, such as tractors and automobiles, which were clearly much needed at home. The quantities have been small, and imports from these areas have been of minor significance; it may therefore be concluded that noneconomic motives have governed in this choice of market, and that this manifestation of Soviet foreign trade is not representative of the chief currents of Soviet economic policy and action.

The course of events since the war makes it necessary to consider the extent to which the Soviet drive for autarky is relevant to Soviet plans for the smaller states of eastern Europe in which its political influence is predominant. Economic ties between the U.S.S.R. and these smaller states during the last two or three years have been close, but considerable variation in the patterns is evident if the situation in each country is examined. It may well be that the Soviet Union intends to weave the economies of these countries into that of the U.S.S.R., supplementing its own deficiencies by the use of their resources, and working out plans of development which involve their

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economies as adjuncts to that of the U.S.S.R. proper. Certainly this would be possible, from the geographic and economic standpoints. The Soviet Union, for example, could increase its cotton production so as to be able to supply the raw materials to Poland's textile industry, and it could well use the products of Bohemian steel plants and machinery works. The total economic potential of the combination would be much enhanced, and the percentage of highly skilled workers in the service of the Soviet Union would increase.

This may be the Soviet concept of the future—an enlarged Soviet Union where all needs are better satisfied, capable of absorbing still more economies as opportunities develop. At present, of course, the U.S.S.R. is unable to supply many of the genuine needs of the smaller countries in eastern Europe, simply because of its own technical level and productivity, and because war devastation has created such a tremendous Soviet need for goods that much of the production of the smaller countries is found to flow to the U.S.S.R., either as reparations or in fulfillment of trade agreements. Institutionally neither the U.S.S.R. nor the smaller countries are currently prepared to shift to a completely planned economy for the area as a whole, and politically such a move would doubtless be of questionable popularity in most of the smaller countries. As a long-term project, the absorption of the smaller countries into the economy of the U.S.S.R. is feasible, but discussion at present can of course be only conjecture, because it deals with Soviet motives for future action; nevertheless, it is well to give it thought. Commercial agreements in eastern Europe are of various forms; and there has been talk of a Molotov plan. Soviet writers such as Varga have described certain eastern European states as " new democracies of a transitional type ", and have discussed the extent to which their economies can appropriately be planned.[2]

Soviet methods in international trade may be simply described as those which the Soviet government considers desir-

[2] Varga, E., " Demokratiya Novogo Tipa " (" Democracy of a New Type "), in *Mirovoe Khozyaistvo i Mirovaya Politika* (*World Economy and World Politics*), # 3, March 1947, pp. 3-14.

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able for the achievement of its objectives, without any discernible limitations of theory or principle, except that of maintaining a state monopoly. In the period prior to the war, Soviet trade was substantially multilateral. The Soviet government made little or no attempt to balance its trade with specific countries, but did of course keep a careful eye on balancing its trade on a total basis, although not necessarily within an annual term. This procedure involved, for example, a positive balance with the United Kingdom and a negative one with the United States. This was quite feasible, because the currencies of many countries with which it dealt were in general convertible, and the Soviet government has never undertaken to deal internationally in its own currency, nor has any trading partner encouraged such a development. To the extent that currencies are convertible, therefore, the U.S.S.R. may be expected to trade multilaterally, but this implies no devotion to principle.

In the period since the war, the U.S.S.R. has engaged in a number of bilateral barter and compensation agreements, as the only workable method of exchanging goods when currencies are not convertible. Other countries with different economic systems, chiefly in Europe, have been following the same course. Granting that the bilateral trade agreement in which the partners seek to achieve a balance of the trade between them is generally restrictive of trade, it does not necessarily follow that the restrictive character of such arrangements commends itself especially to the Soviet Union. In some countries Soviet political importance may give the U.S.S.R. a substantial advantage in securing excellent terms of trade. Nevertheless the goods it seeks most are not available in large quantities in these countries. In return for the goods which it takes from these countries, it is forced under bilateralism to deliver goods which it doubtless sorely needs at home. If it is the intent of the U.S.S.R. to bind the smaller eastern European countries to its economy, then the bilateral device is a good one. But it must be recognized that bilateralism is not a Soviet invention, nor is the Soviet government necessarily committed to it as a method of trade. It is practiced by any government which is experi-

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encing stringency in foreign exchange, and at present has of course wide application.

The Soviet government has displayed considerable energy in acquiring all types of goods as reparations, legitimate or otherwise, in various parts of Europe and Asia. It is perhaps improper to refer to such imports as trade, inasmuch as the U.S.S.R. does not have to concern itself about such imports in achieving a balance in its international accounts. It is also willing to receive any goods which are given away by organizations such as U.N.R.R.A., or by private charity, although it has exercised its right to be particular about specifications in the case of U.N.R.R.A. gifts, and its right to levy high tariff duties on shipments of parcels to individual citizens. It is also quite willing to accept goods on credit, or to receive credits for future purchases, from capitalist governments or institutions. The U.S.S.R. appears to be not without hope that a depression in the capitalist world may yield large quantities of goods at low prices on easy terms. Certainly the Soviet Union has stressed its belief in the inevitability of such a development. To some extent it has perhaps refrained from purchases because of a high level of prices, and has also taken advantage of the post-war sellers' market in disposing of its own goods. Indeed, the Soviet Union has had the unique distinction during part of 1947 of appearing to be the only country in the world with a positive balance of trade with the United States. Although the U.S.S.R. is known to possess substantial gold deposits, and although considerable emphasis has been placed upon gold mining, the extent of Soviet gold production and the size of Soviet holdings of gold and foreign exchange are carefully guarded secrets. This circumstance is naturally not without its effect upon those who seek to determine possible Soviet needs for foreign credits, and inclines them toward a healthy skepticism. Not only is this security-consciousness evident with respect to financial matters; the U.S.S.R. has also refrained from publishing trade statistics during the past ten years.

Constant reference is made to the small size of Soviet participation in international trade. Certainly this is true with

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respect to commodities, but some cognizance must be taken of the significance of Soviet acquisition of technology, "know-how", and scientific knowledge, from abroad. Soviet purchasing agents buy freely of technical and scientific publications, and Soviet educational and industrial institutions are active in their acquisitions. While it may be true that Russian science has been effective and important, still it must be recognized that in the field of applied science Russia has traditionally been in the position of a pupil of the West. This tradition has not changed, and, despite Soviet protestations of advancement, the U.S.S.R. looks to the United States and other Western countries for its technical progress. The Soviet Union purchases the most advanced types of machinery and equipment, seldom in large quantities, and perhaps for the purpose of copying them. Soviet efforts are not universally successful, however, because there is a tendency to overlook such matters as the institutional development of western industry, the skill and discipline of western workers and engineers, and the care and feeding of machinery. There is substantial waste, and much trial and error, but also considerable movement forward along the lines of industrial development. The Soviet Union needs trade for the purpose of supplying its requirements in the scientific and technical fields, and for keeping it up to date in comparison with the outside world. Unfortunately, the Soviet Union does not regard the matter as one in which the principles of reciprocity are applicable, and the flow of scientific knowledge and applied technology is usually in one direction. This lack of reciprocity has recently been markedly reinforced by Soviet decrees on the safeguarding of industrial and scientific information.

The end of the war has produced a new phenomenon in Soviet international economic relations, which for lack of a better term may be called Soviet foreign investment. This usually appears in the form of a joint corporation, implying an outflow of capital from the U.S.S.R. It is difficult, however, to discern any such outflow, inasmuch as the customary Soviet contribution is in the form of assets which were not previously the property of the Soviet Union, and which were

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in any event located in the country in which they are now purported to be invested. It is reported, however, that the collection of profits proceeds in a somewhat different fashion, with the Soviet government indicating how much of a planned profit it expects from the enterprise, and taking vigorous steps with the government of the investee country to make sure of obtaining it, apparently without much regard to the balance sheet of the enterprise. It is also observable that the Soviet Union engages in arrangements to get its joint companies into monopolistic or semimonopolistic positions within the investee country; this, of course, is a well-known commercial principle with which private enterprise is well acquainted. Time will reveal the extent to which the Soviet joint companies are to be regarded as commercial enterprises; as yet little is known of their activities, although it is clear that they extend generally preferential treatment to the U.S.S.R.

With this review of methods and motives in mind, it may be fitting to examine at this point the extent to which Soviet foreign trade has been affected by, or has given effect to, certain principles of international commerce advocated by those who seek to make trade nonpolitical in nature, and who aspire to the formulation of a code of commercial intercourse as the basis for the expansion of trade. In the 1920's and 1930's, the Soviet Union was, on the record, quite concerned about commercial principles such as nondiscrimination and most-favored-nation treatment. It will be recalled that the Soviet Union introduced into the meeting of the Commission of Enquiry for European Union, in 1931, and into the Monetary and Economic Conference of 1933, a Protocol for Economic Non-Aggression, which called for abstention from all forms of discrimination. In support of this proposal, Mr. Maisky asked the Economic Conference of 1933 to make a definite declaration against any policy tending to limit the scope of the most-favored-nation clause. Other good speeches in favor of nondiscrimination and commercial principles were made by representatives of the Soviet government during this period, contrasting strangely in the reading with statements made by the Soviet Minister of Foreign Affairs at the Paris Conference

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in 1946, when the satellite peace treaties were under consideration. It now appears from Soviet pronouncements that the most-favored-nation principle as applied by others, and the idea of freedom of economic opportunity, represent the economic enslavement of smaller countries by large capitalist states, particularly the United States. Apparently, on the basis of available evidence, the Soviet Union's policies in respect of the principles of international trade relations are untrammeled by any concern over consistency, and derive solely from the need for advocating a policy which will make conditions easier for the Soviet Union to operate as it sees fit.

International efforts in the field of trade have been substantial since the end of the war, although progress has been limited by the general economic conditions which require attention before expanded, multilateral and nondiscriminatory trade can flourish. In accordance with the terms of the Mutual Aid Agreement between the United States and the U.S.S.R., of June 11, 1942, the two countries were obligated to act together at the end of the war to implement general international principles of expanding trade, eliminating discrimination, and promoting production and employment. No discussions of these obligations have occurred, unfortunately, although serious efforts have been made by the United States to bring them about. Within the framework of the United Nations, the United States has actively promoted the development of an International Trade Organization, and to this end introduced into the Economic and Social Council in February 1946 a resolution calling for the establishment of a Preparatory Committee to pave the way for a World Conference on Trade and Employment. The Soviet Union voted for the resolution, and was named a member of the Preparatory Committee.

The first meeting of the Preparatory Committee, in London, in October and November 1946, was not attended by delegates of the U.S.S.R., and the official reason for such nonattendance was that the Soviet Union had not had the time to devote the necessary attention to the serious questions to be discussed. The second meeting, held at Geneva during the spring and summer of 1947, was also noted for the absence of the U.S.S.R.,

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as was the World Conference held at Havana during the winter of 1947-48. It is understood that no reasons have been given for these absences, but it was interesting to observe the appearance of an article on the Geneva trade talks in the May 16, 1947, issue of *New Times*, written by the Soviet economist Varga.[3] Most of the article is devoted to an analysis of United States policy on foreign trade, some of it penetrating and pertinent, and some of it apparently based on what might be termed an incomplete understanding of the facts. At the end, Varga remarks, "The Soviet Union is not taking part in the Geneva trade talks because the problems discussed there do not directly concern it, in view of its government monopoly of foreign trade, which is one of the immutable elements of its economic system."[4] There is a remoteness about this attitude, but there is also an element of genuine substance, which may merit further examination.

It is true that a large part of the program set up in the draft Charter for an International Trade Organization has little to do with the U.S.S.R. Tariffs are of no significance in the importation of goods by a complete state monopoly, although it is true that the U.S.S.R. has a preferential tariff system. Strictures on quantitative restrictions likewise have no meaning, nor do commitments to extend most-favored-nation treatment to the commerce of others; also, a completely state-operated economy defies the analysis of subsidies. If its international trade were greater, the U.S.S.R. might conceivably be concerned over intergovernmental commodity agreements. It experienced some difficulty in selling primary products during the 1931-32 depression to cover its import commitments, and was consequently accused of dumping, a charge which to many seemed unwarranted. The Soviet Union would stand to gain by international progress in such technical fields as tariff valuation, freedom of transit, marks of origin, formalities, trade regulations, customs procedures, and trade terminology, as would any country. The Soviet Union may

[3] Varga, E., "The Geneva Trade Talks", in *New Times*, #20, May 16, 1947, pp. 4-9.

[4] *Ibid.*, p. 9.

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have been discriminated against by cartels, and has also had business relations with them. With respect to the goods which it exports, a reduction of barriers to trade and the application of nondiscriminatory treatment by other countries would naturally benefit the U.S.S.R. But again it must be recalled that the Soviet Union's participation in international trade has customarily been so small that such factors would be of very marginal significance to the Soviet economy.

The only substantive provisions of the I.T.O. Charter which specifically concern the Soviet Union are those dealing with state trading. It is also precisely these provisions which are most difficult to approach, because the world has relatively little experience in attempting to handle problems arising out of relationships between state-trading and private enterprise. There is no substantial body of scholarship in this field, and not much systematic knowledge gained from practical experience. The attempt of the drafters of the Charter has been to devise provisions which apply to state-trading enterprises the commercial policy provisions of the Charter otherwise applicable to countries with the private-enterprise system, or with a substantial private sector in their economies. The purpose of course is to make state trading commercial rather than political in character. The U.S.S.R. has frequently operated its state-trading enterprises in a thoroughly commercial manner, but it must be recalled that a fundamental tenet of Soviet dogma is the inextricably intimate relationship between politics and economics. It is therefore difficult to see how the Soviet Union could sincerely subscribe to a program for removing politics from trade, although a large part of its trade may genuinely enough be described as commercial. Certainly the Amtorg Trading Corporation operates commercially, although its functioning may now and then seem peculiar to American business men. But it would be difficult to say the same for various trade transactions of the U.S.S.R. in the Balkans, where the negotiators of its trading partner are frequently Communist party members, and where the near-by presence of Soviet troops cannot but have strengthened the hand of the Soviet negotiators. The shipment of grain, or

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discussion of the shipment of grain, to various western European countries, in some degree of proximity to elections, may of course be commercial, but its relationship to politics would not seem purely fortuitous.

The Soviet government took official cognizance of the International Trade Organization in an article published in two sections in *Vneshnyaya Torgovlya*, in February and March of 1948.[5] It is clear that the author has read certain of the materials relating to the I.T.O., and has examined a substantial number of the Charter provisions. He has not, however, succeeded in presenting a very clear and coherent picture of the various features of the Charter, nor is his treatment noted for its accuracy in fact and detail. Possibly this may have occurred because of his nervous haste to prove that the I.T.O. is but another machination of American imperialism, designed to enslave the world. The Charter, with its many exceptions and its great deference to national sovereignty, is proved by Mr. Frei to be an effective instrument for American domination of world trade and even of the domestic policies of other nations. This is indeed of more than passing interest as a dialectical exercise, and the strain which it places upon the reader's sense of logic is substantial. The state-trading provisions come in for somewhat more than their share of criticism, and are described as discriminatory. The article closes with the customary self-adulation, including encomiums about the determination of the Soviet Union to defend the sovereign rights of the " new democracies " against the evil plots hatched by the United States through the I.T.O.

It must be concluded that the U.S.S.R. has little or no intention of adhering to a world trade organization, doubtless because such adherence might in some way hamper Soviet activities or freedom of action. Basically a decision in such a matter must be considered as a political one, devoid of any genuine economic foundation. There are, of course, variants in Soviet ideology in this field as in others. Lenin made a number of references to the willingness of the U.S.S.R. to deal

[5] Frei, L., " Mezhdunarodnaya Torgovaya Organizatsiya " (" The International Trade Organization ") ,*Vneshnyaya Torgovlya* (*Foreign Trade*), 1948, # 2, pp. 17-25, and # 3, pp. 22-28.

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on business terms with all countries, and Stalin reported to the XVIIIth Party Congress in 1939 to the effect that the Soviet Union stood for peace and the strengthening of business relations with all countries.[6] This was echoed by a writer in *Pravda* at about the same time that Varga was commenting on the Geneva trade talks.[7] Obviously, Soviet trade must to some extent be genuinely commercial and nonpolitical, simply because the Soviet Union needs goods and know-how available only in the capitalist world, and the strictly commercial approach works best in such circumstances. But this in no sense negates the essentially political character of Soviet economic relations with other countries, if the longer view is taken.

This longer view leads to some rather interesting speculation if the future rôle of the Soviet Union in world politics is considered. The Soviet Union functions as a great Power primarily in the political sphere, through common and uncommon diplomacy, through the use of minorities, by propaganda, by military pressure, and in diverse other ways. Trade is not excluded as a tool of politics, although it has not been so used extensively in the past. The increased importance of international economic affairs, however, raises a question as to whether the Soviet Union, under conditions of restored productivity, could properly restrain itself from entering the foreign trade arena as a genuine and active participant. Institutionally this idea runs counter to Soviet domestic economic practice and planning; but let it not be thought that any devotion to consistency of principle, or to organizational forms, would deter the U.S.S.R. from such a course if its advantages seemed important. If there seemed to be merit from the Soviet standpoint in dumping goods on foreign markets, no scruples about costs or about the demands of domestic consumers would trouble the Soviet mind. It is difficult indeed to see precisely how the U.S.S.R. would seek to influence inter-

[6] Stalin, J., "Report on the Work of the Central Committee to the Eighteenth Congress of the C.P.S.U.(B.)", in *The Land of Socialism Today and Tomorrow*, p. 18.

[7] Leontiev, B., "Mezhdunarodnoe Obozrenie" ("International Survey"), *Pravda*, May 13, 1947, p. 4.

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national affairs by the use of trade, because the choice of methods would depend upon the economic situation at the time. This general possibility has occasionally aroused publicists and business men in the Western World to point with alarm to a rising tide of Soviet trade, but the tide never came in. On the other hand, the possibility should be recognized as genuine. The Soviet Union could make available large enough quantities of certain types of goods, and could attempt to buy on such a scale as to disrupt world market relationships to some degree. Some slight evidence as to possible future Soviet intentions is perhaps revealed by a recent essay by Professor V. E. Motylev,[8] in which the import needs of the Soviet Union are recognized as the basic motivating force in Soviet foreign trade, but in which certain hitherto unorthodox hints appear. There are, for example, references to the advantages in foreign policy to be gained through substantial trade with the "new democracies", to the profits to be obtained in disposing of excess goods on the world market, and to the money and political advantage to be derived from reëxporting imported goods. This writer therefore concludes that Soviet foreign trade is destined to expand, to correspond to the growing importance of trade in Soviet foreign policy.

Naturally, if the U.S.S.R. began to participate vigorously in international trade, other nations would scrutinize carefully the terms of trade, and decide how to participate in it, or how to combat it. This might lead to more state trading on the part of other governments, a move of little popularity in the United States, but it is also possible that other means of coping with the problem, for example through the International Trade Organization, might be developed. State trading has its own deficiencies, and private enterprise its merits. It is worth noting that the great trading nations of the world have considerably more experience in the field of trade than have the government corporations of the Soviet Union, shrewd bargainers though their executives may be.

[8] Motylev, V. E., "Regularities of the International Division of Labor in the Epoch of Imperialism", in *Science Notes*, No. 123, "Political Economy", Moscow University, 1948.

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It is perhaps desirable to seek to arrive at something in the nature of conclusions. In the first place, it is clear that foreign trade is of little importance, quantitatively, to the Soviet domestic economy. Secondly, it is of some importance in a qualitative sense, with particular reference to technological developments. Thirdly, the U.S.S.R. operates in the field of foreign trade with considerable administrative flexibility in a manner it considers best suited to serve its own material interests as it sees them. In the fourth place, the Soviet Union does not share the objectives for world trade set forth by the United States and other countries, as embodied in the aspirations for an International Trade Organization. Finally, the Soviet attitude toward foreign economic relations in the last analysis is dependent upon Soviet political policy in foreign affairs. Abundant and significant proof of this is to be found in the openly declared and vigorous opposition of the Soviet Union to coöperative plans for European recovery.

Willis C. Armstrong

School of Advanced International Studies
Washington, D. C.

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# THE REFORM OF THE VICE-PRESIDENCY

THERE are only two offices in the United States to which candidates are elected by the verdict of the whole American electorate—the Presidency and the Vice-Presidency. The first of these is the greatest constitutional office the world has ever known, eagerly sought by first-rate political figures in the nation, by second-raters as well, and by many nonpolitical figures. The second is a hollow shell of an office, an impotent and uncomfortable heir apparency sought by practically no one we should like to see as President. This contrast in our two national elective offices is at first glance rather astounding, but can easily be explained. The Vice-Presidency as it exists today is simply not worth having. Whoever wins this office in November will not win much—in power, prestige, emoluments, or duties. More than any other institution of American government, the Vice-Presidency stands in the need of reform.

## I

The impotent Vice-Presidency is one of our oldest governmental problems. Some of the more astute members of the Convention of 1787 doubted that there was any need for a Vice-President, and Hamilton was forced to refute numerous criticisms of the office in *The Federalist*.[1] There were apparently three reasons for the creation of the Vice-Presidency: to establish a constitutional heir for the President, to facilitate the selection of "continental characters" under the original electoral system, and to provide for the Senate a presiding officer not immediately devoted to the interests of any particular state.[2] The advantage of a moderator for this body, with

[1] No. 68. In this paper Hamilton pointed out to his fellow New Yorkers that the model for the Vice-Presidency, as for much of Article II, was the New York Constitution.

[2] L. C. Hatch and E. L. Shoup, *A History of the Vice-Presidency of the United States* (New York, 1934), pp. 412-418.



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a deciding vote in the event of a tie, was also recognized by the framers.[3] In general, they expected that this office would be filled by the nation's number two political figure, the man who had polled the second highest number of votes in the *presidential* election.

However cogent the reasons of the framers, and however high their expectations, the Vice-Presidency was a failure, and was recognized as such, almost from the outset. Every reader of American history remembers with a smile the lament of John Adams to Abigail: "My country has in its wisdom contrived for me the most insignificant office that ever the invention of man contrived or his imagination conceived."[4] The rise of the Federalist and Republican parties, the near disaster of the Jefferson-Burr election, the consequent adoption of the Twelfth Amendment, and the establishment of the Virginia Succession, all contributed to the early decline of this office. The first two Vice-Presidents were John Adams and Thomas Jefferson, the next two Aaron Burr and George Clinton; the seventh, John C. Calhoun, resigned from the office to enter the Senate.

From a constitutional point of view, the paucity and unimportance of the Vice-President's duties made the weakening of his prestige an inevitable occurrence. Bryce pointed out that the "Vice-President's office is ill-conceived",[5] and the offhand manner in which it was discussed in the Convention and outlined in the Constitution would seem to prove his contention. The thirty-fifth Vice-President, like the first, will possess exactly one constitutional duty, the presidency of the Senate, and even this responsibility will be more shadow than substance. As presiding officer of the Senate, he will be little more than a ceremonial moderator. A complete list of the statutory obligations which face him is as follows: the appointment of five midshipmen to the Naval Academy and four

[3] On the use of this power, see H. B. Learned, "Casting Votes of the Vice-Presidents", *American Historical Review*, vol. XX (1915), p. 571, and "Some Aspects of the Vice-Presidency", *American Political Science Review Supplement*, vol. VII (1913), pp. 162, 170-171; Hatch and Shoup, *op. cit.*, chap. viii.

[4] C. F. Adams, ed., *The Works of John Adams* (Boston, 1856), vol. I, p. 460.

[5] James Bryce, *The American Commonwealth* (2nd rev. ed., New York, 1891), vol. I, p. 293.

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Senators to its Board of Visitors; the recommendation of two candidates to the President for appointment to the Military Academy; the signing of enrolled bills and joint resolutions before they are sent to the President for his approval; membership in the Smithsonian Institution and its Board of Regents, and the conduct of its meetings in the absence of the President.[6] He also draws his pay, $20,000 a year.

In short, the second office of the land has become its second-rate office; the Vice-Presidency is a major disappointment of the American constitutional system. Suspended in a constitutional limbo between executive and legislature and in a political limbo between obscurity and glory, the Vice-President has lost all significance as a working agent of government. Woodrow Wilson summed up the problem of the Vice-Presidency more neatly than he realized when, in obvious exasperation, he wrote, "The chief embarrassment in discussing his office is, that in explaining how little there is to be said about it one has evidently said all there is to say."[7]

The fact that the Vice-President has nothing to do is not of itself a danger spot in our constitutional system. In considering what he is, however, we must remember what he may be: President of the United States. John Adams, discerning as ever, remarked in the very first days: "I am possessed of two separate powers, the one *in esse* and the other *in posse*. I am Vice-President. In this I am nothing, but I may be everything."[8] The reality of vice-presidential impotence has generally loomed far more prominently in the nation's political consciousness than the possibility of his succession to the Presidency; the *esse* of the office has all but blotted out the *posse*. The real danger of the powerless Vice-Presidency is therefore this, that it is rarely occupied by a man for whom a majority of the people would have voted as a candidate for the Presidency. The potential importance of the Vice-President as heir

[6] *United States Code*, Title 34, secs. 1037, 1081; Title 10, sec. 1091; Title 1, sec. 26; Title 20, secs. 41, 42, 45.

[7] *Congressional Government* (13th ed., Boston, 1898), pp. 240-241.

[8] Edgar Maclay, *Journal of William Maclay* (New York, 1890), p. 3. Bryce described the Vice-President as *aut nullus aut Caesar*.

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apparent to the President, pointed up by seven successions in one hundred and sixty years, has not been sufficient to attract leading political figures to seek it. A man of ability and ambition would rather be any one of a number of things—senator, cabinet member, state governor, ambassador, even corporation president or lawyer—than Vice-President. The office has not been quite the political county farm that some of its critics have portrayed, but few men of presidential stature (since Adams and Jefferson) have occupied it, and they usually had to be dragooned into accepting their party's nomination.[9] We have had distinguished Vice-Presidents, but what one since Van Buren has been second only to the President as a political figure, even of his own party? Mr. Dooley's creator echoed the public's opinion of most of our Vice-Presidents by pleading with Theodore Roosevelt not to go down in a submarine, ending on the note, "Well, you really shouldn't do it—unless you take Fairbanks with you."[10]

Like the Vice-Presidency itself, the danger of a second- or third-rater as Vice-President is everything *in posse* and little *in esse*. Many a party hack has served his four years presiding over the Senate and passed into oblivion. On the other hand, several party hacks have succeeded to the Presidency, with harmful or near-disastrous results.[11] Only one of the original reasons for this office is valid today—the necessity of a constitutional successor for the President—and it is exactly here that the Vice-Presidency has failed most conspicuously. The underburdened Vice-Presidency has long since become the underrated Vice-Presidency.

[9] More than one man has flatly declined his party's nomination for the Vice-Presidency. The most prominent refusal was that of Silas Wright, who declined "peremptorily" to run with James K. Polk on the Democratic ticket in 1844. Edward Stanwood, *A History of Presidential Elections* (3rd rev. ed., Boston, 1892), p. 148. One of the oldest chestnuts of American politics is entitled: "How the national convention picks its candidate for Vice-President." The party's candidate for the Presidency is selected, the chairman orders the doors thrown open, and the last man out is caught with the nomination.

[10] Elmer Ellis, *Mr. Dooley's America* (New York, 1941), p. 219.

[11] A new and readable story of the "accidental Presidents" is Peter R. Levin's *Seven by Chance* (New York, 1948).

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## II

Proposals to reform the office have been made repeatedly since 1787. As might be expected, they have counseled one or the other of two courses: abolish the Vice-Presidency and place the presidential succession in an office which attracts more capable men,[12] or increase its powers and thus its prestige, and therewith the caliber of its incumbents. The abolition of the Vice-Presidency was first mooted by the disgruntled Federalists of 1803 in the debate on the proposed Twelth Amendment,[13] and this suggestion has been several times repeated on the floor of Congress. Generally, it has been received with disdain. The necessity of a succession to the Presidency written into the Constitution, and the practical impossibility of securing an amendment improving on the scheme described in Article II, section 1, paragraph 6, have thus far thwarted any serious move to abolish the office. "The vice-president as the second officer of the government is the guardian of the Presidency. Viewed in this light, the officer is necessary."[14] With this conclusion we are forced to agree. The solution of the problem lies in the other direction.

Many imaginative proposals have been brought forward to make the Vice-Presidency a more potent and desirable office.

[12] See Earle D. Ross, "The National Spare Tire", *North American Review*, vol. CCXXXIX (1935), p. 275; A. J. Beveridge, "The Fifth Wheel in Our Government", *Century Magazine*, vol. LXXIX (1909), pp. 208, 212; C. H. Coleman, *The Constitution up to Date* (Cambridge, Mass., 1938); Henry Hazlitt, *A New Constitution Now* (New York, 1942), pp. 226-229. "Mexico Gives Us a Lead", an anonymouse article in *Independent*, vol. LXXXVIII (1916), p. 53, argued that we should follow Carranza's example and abolish the Vice-Presidency outright!

[13] H. V. Ames, *Proposed Amendments to the Constitution, 1789 to 1889* (Washington, 1897), p. 71. The effect which the Twelfth Amendment would have on the Vice-Presidency was most clearly foreseen by Roger Griswold of Connecticut, who remarked that "the man voted for as Vice-President will be selected without any decisive view to his qualification to administer the Government. The office will generally be carried into the market to be exchanged for the votes of some large States for President, and the only criterion which will be regarded as a qualification for the office of Vice-President will be the temporary influence of the candidate over the election of his State." *Annals of Congress*, Eighth Congress, First Session, p. 751.

[14] Learned, "Some Aspects of the Vice-Presidency", *American Political Science Review Supplement*, p. 176.

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In the very first year under the new Constitution, Fisher Ames suggested that the Vice-President busy himself with "political researches for the benefit of his country."[15] Representative Thomas A. Jenckes of Rhode Island, reporting for a joint select Committee on Retrenchment in 1868, suggested that a department of civil service be created with the Vice-President at its head.[16] Writing in *The Green Bag* in 1896, Walter Clark asked that the Vice-President be put to work as Secretary of a "Department of Inter-State Commerce",[17] while Senator Beveridge offered an even more radical plan for the revival of this office: give him the power to appoint the Senate's committees![18] Occasionally the President himself has attempted to make his successor a more important factor in his administration. Washington, Jackson, Polk, McKinley,[19] Harding, Coolidge and Franklin Roosevelt placed great trust in their Vice-Presidents and imposed special duties upon them.[20] Two rôles in particular have been played by the more able and trusted Vice-Presidents: adviser to the President, in several instances from a seat in the Cabinet,[21] and *Stellvertreter des*

[15] *Annals of Congress*, First Congress, First Session, p. 673.

[16] *Congressional Globe*, Fortieth Congress, Second Session, vol. III, p. 2466.

[17] "The Vice-President: What to Do with Him", *The Green Bag*, vol. VIII (1896), p. 427.

[18] Beveridge, *loc. cit.*, p. 213. These and other proposals are reviewed by Oliver P. Field, "The Vice-Presidency of the United States", *American Law Review*, vol. LVI (1922), pp. 365, 398-400. See the excellent discussion of the advantages to be gained from an "operating vice president who would coordinate the administrative branch under policies and directives decided upon after consultation with the President" in Marshall E. Dimock, "Administrative Efficiency within a Democratic Polity", in *New Horizons and Public Administration* (Tuscaloosa, 1945), pp. 37-40.

[19] When Hobart, not Roosevelt, was Vice-President.

[20] Theodore Roosevelt had a chapter in his *American Ideals* (New York, 1902), entitled "The Vice-Presidency and the Campaign of 1896". Writing in the year of the first McKinley-Bryan election, Roosevelt advised the President "to increase the power of the Vice-President. . . . It would be well if he were given a seat in the Cabinet." Writing in 1905 an anonymous correspondent reminded Roosevelt that his own handling of Fairbanks was exactly the reverse of his 1896 proposal. *The Nation*, vol. LXXXVI (1905), p. 32.

[21] See C. O. Paullin, "The Vice-President and the Cabinet", *American Historical Review*, vol. XXIX (1924), p. 496.

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*Führers* on ceremonial occasions. Vice-Presidents Coolidge, Garner and Wallace were invited into the Cabinet and attended its meetings with regularity. Charles G. Dawes refused President Coolidge's invitation to sit with the Cabinet, considering this plan politically and constitutionally "unwise".[22] The last major attempt to put a Vice-President to work was President Roosevelt's action in 1941 in placing Henry A. Wallace in the chairmanship of the Economic Defense Board (later the Board of Economic Warfare). This attempt had an unhappy ending. To this date no President has succeeded in adding regular administrative or policy-making duties to the Vice-President's single constitutional function.

## III

At this point, it is important to stress another weakness in the executive branch of the national government—the problem of the overburdened Presidency. Although the condition of our chief magistracy is not the subject of this article, it can hardly be passed over without some mention, since it presents so glaring a contrast to that of the Vice-Presidency. The mere recital of the President's major functions in the simplest terms is a sobering experience: executive head of the administrative branch, commander-in-chief of the armed forces, sole director of foreign relations and leading formulator of foreign policy, protector of the peace, "third house of Congress", leader of one of the major parties, and spokesman for the American people, in Wilson's words "the only national voice in affairs."[23] Moreover, the framers of the Constitution piled the Pelion of George III on the Ossa of Pitt and made the President the ceremonial chief of state of the American government. The duties of the Presidency are plainly too numerous for one man to handle, and some of them are bound to be neglected. In recent years, the most neglected of the major functions, since it is manifestly the most humdrum and distasteful, has been that of chief administrator, executive head of the government. Yet this

[22] Hatch and Shoup, *op. cit.*, p. 45.

[23] Woodrow Wilson, *Constitutional Government in the United States* (New York, 1908), p. 68.

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rôle was paramount in the minds of the framers as they roughhewed the Presidency from their experience and learning. In their opinion, the most significant words in Article II were those which directed the President to "take care that the laws be faithfully executed." In modern times, however, the other constitutional rôles, and the political ones as well, have pushed the "take care" clause upstage. Since his responsibilities as chief administrator are largely statutory in origin, they are the first to be delegated and last to be supervised.[24]

The implications of an overworked President for the general problem of efficient and responsible government are alarming. Not only is his job as chief executive becoming increasingly more difficult to perform, but it is becoming just as difficult for him to bring a fresh and unencumbered mind to the consideration of major foreign and domestic issues. It is the paramount, sometimes dominant, position of the Presidency in our constitutional system today which makes this particular problem doubly disturbing. We ask of this man that he give us consistently intelligent and patriotic leadership, but how much brilliant leadership can a dray horse give?

Proposals to relieve the President of part of his massive workload have been made repeatedly during the past twenty or thirty years. The tale is an old one, well related by numerous competent students of public administration,[25] and need not be repeated here. The creation of the Executive Office of the President on September 8, 1939,[26] under authority of the Reorganization Act of 1939,[27] was a notable triumph for President Franklin D. Roosevelt, the academic and active political scientists who supported him, and the cause of good govern-

[24] See particularly the careful survey of C. D. Waldo and W. Pincus, "The Statutory Obligations of the President", *Public Administration Review*, vol. VI (1946), p. 339.

[25] See the symposium in *Public Administration Review*, vol. I (1941), pp. 101-140; M. R. Eiselen, "Work Relief for Presidents", *Social Science*, vol. XII (1937), pp. 201-205; N. M. Pearson, "A General Administrative Staff to Aid the President", *Public Administration Review*, vol. IV (1944), pp. 127-147; Fritz Morstein Marx, *The President and His Staff Services* (Chicago, 1947).

[26] By Executive Order 8248.

[27] *U.S. Statutes at Large*, vol. LIII, p. 56.

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ment. The President's staff is large and able. Hundreds "at his bidding speed, and post o'er land and ocean without rest." Yet much remains to be done. The amount of relief which anonymous administrators such as the President's assistants and the able workers in the Bureau of the Budget can bring him has just about reached its limit. Another type of machinery must soon be invented, or perhaps simply rediscovered.

## IV

The most prominent political figure on the national scene today who has recommended a fundamental alteration in the Vice-Presidency is Representative A. S. Mike Monroney of Oklahoma, well remembered by political scientists as the co-author of the Legislative Reorganization Act of 1946. About two years ago Mr. Monroney, having done what he could to reform a Congress not particularly in the mood to be reformed, started to poke around with his probing finger for other sore spots in the American body politic. It apparently did not take him long to find the Vice-Presidency. In a press release dated October 26, 1946,[28] he asked the American people, in particular the electors of Oklahoma City, to fix their attention upon this office which served no useful purpose and in which no useful man was eager to serve. At the same time, he described the plight of the overworked President. The Oklahoma Congressman's solution to the problem of the Vice-Presidency, one which would be a partial solution to that of the Presidency as well, was obvious, yet not so obvious that any one had advanced it before. He proposed, and still proposes, to revive the Vice-Presidency by transferring, under the terms of a constitutional amendment, certain fundamental responsibilities of an administrative nature from President to Vice-President.[29] Indeed,

[28] From the North American Newspaper Alliance.

[29] The sort of amendment which Monroney has in mind would offer solutions to a number of other problems as well. To give him credit for the full scope of his suggested reforms, it should be added that he also intends to plug up the most noticeable loopholes in our present system of presidential election and succession. Among the constitutional and political inadequacies which his proposed amendment is designed to remedy are such questions as these: First, who can constitutionally determine and proclaim the "disability" of a disabled President? (This is a question which, of course, has been twice asked and twice avoided in Ameri-

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Mr. Monroney goes even further, for he advocates the creation, by the same constitutional amendment, of an additional Vice-President; it is this official who is to receive whatever powers are to be transferred out of the President's area of responsibility. We would have two Vice-Presidents instead of one, and each party's presidential ticket would be three men deep. The "first Vice-President" would be designated unmistakably as "an executive manager to take over the administrative functions of the President." He would be an executive Vice-President in the business world's sense of the title; his chief duty "would be to implement efficiently the policies laid down by President and Congress." The immediate succession to the Presidency would thus be fixed in an office of authentic power and prestige, one which would be sought by first-rank political and administrative figures. The two major parties would be forced to nominate for this office men of "known executive ability", and thus there would be created "a new basis of competition between the political parties." Meanwhile, the "second Vice-President" would continue the present duties of this office—preside over the Senate, substitute for the President on many ceremonial occasions, and wait for the hand of fate to beckon him to glory. The sole purpose of this second Vice-President is apparently to write a line of succession into the Constitution two men deep. To all appearances, the second Vice-President would be a spare, spare tire.[30]

The core of Congressman Monroney's proposed amendment, the establishment of a Vice-Presidency with fixed and important executive duties, is an excellent suggestion, one deserving of far more attention than it has received. Properly carried out by President, Vice-President, Congress, parties and

can history, during Garfield's last weeks and Wilson's collapse in late 1919.) Second, who is to act as President if the Congress convening January 3 of an inaugural year cannot organize itself to canvass the electoral vote before January 20? Third, who could legally substitute the name of a major party candidate in case of death just prior to the November election? There are obvious additions to this list, and Monroney proposes a "high grade Commission" from all three branches of the government to study and report on all such questions.

30 This is not the first time that the creation of additional Vice-Presidents by constitutional amendment has been suggested. See the proposals discussed in Ames, *op. cit.*, pp. 172-173.

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people, it would be the longest stride toward good government in the United States since the Reorganization Act of 1939. There is only one thing wrong with it: it must be initiated by a constitutional amendment. An amendment on a nonpolitical subject of this nature is possible about once in a hundred years.

## V

It is my opinion that a successful resolution of the problem of the impotent and unattractive Vice-Presidency does not have to wait upon a constitutional amendment. The ordinary procedures of legislative and executive activity furnish an entirely adequate basis for effecting that transfer of authority from President to Vice-President which is the kernel of Representative Monroney's omnibus plan.

The burden of any such transfer would seem to rest squarely upon the President himself. Indeed, it may be stated as a certainty that the full support of the President is the indispensable prerequisite to any plan, whether executive or legislative or both, for the rehabilitation of the Vice-Presidency. Any expression of opposition on his part would prevent even a preliminary study of the problems involved. An able Vice-President, worthy of accepting real powers and trust, and a solid party majority in both houses of Congress, prepared to fulfill the President's reasonable demands for enabling legislation, would also seem to be essential to the success of this interesting venture. Assuming that our next President is as anxious for this reform as President Roosevelt was for those worked out by the reorganization plans of 1939, and assuming further that Vice-President and Congress are ready for action, what would seem to be the investigatory, statutory, executive and political steps which could lead to a revival of the Vice-Presidency?

The first step, naturally, is the establishment of an investigating commission. It makes little difference what type of commission is employed—a presidential group like the President's Committee on Administrative Management of 1936-1937, a congressional body like the La Follette-Monroney Committee on the Organization of Congress, a commission drawing on the best talent of all three branches similar to that proposed

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by Mr. Monroney, or perhaps the presently active Commission on the Organization of the Executive Branch of the Government (the so-called Hoover Commission). In any event, a careful study of this problem must be undertaken, and detailed proposals submitted to President and Congress for their associated consideration and action. There seems to be no reason why Mr. Hoover, who is himself investigating the Presidency and its relations to the various parts of the executive branch, should not look into this particular method of promoting administrative efficiency. Unfortunately, it is all too likely that any such proposal would be swamped by the other recommendations which the Hoover Commission will probably present to Congress next January.

The next step is the enactment of several new statutes and the amendment of several old ones. In all this, the leadership of the President must be firm and persuasive. Congress has a congenital suspicion of any reform in the executive branch which might strengthen the President's position. Without his leadership, Congress can scarcely be expected to proceed on its own with its part of the bargain. Here are some changes in the Vice-President's status which might be worked by statute.

He can be designated in so many words as the President's chief assistant in the over-all direction of the administrative branch. The general clauses of "An Act to transfer certain administrative duties from the President to the Vice-President" would have to be framed with extreme precision, but no doubt should be left in anyone's mind that the purpose of the act is to shift almost the entire administrative burden from the one to the other. Naturally, there are several constitutional problems which arise merely from the proposal of such a transfer of presidential duties. Some persons will question the constitutionality of such a law, nor will they all be *cymini sectores*, splitters of constitutional hairs. Yet if we approach the framing of this statute in a spirit of legal broad-mindedness, in Wilson's words as "conscientious lawyers, reading the text of the Constitution without subtlety or sophistication,"[31] this open effort to create a real administrative figure from a shadowy

[31] *Constitutional Government*, p. 70.

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constitutional one can be regarded as conforming to the basic document in both letter and spirit.

Next, the present statutory obligations of the President should be carefully sifted by the investigating commission (with the aid of the Bureau of the Budget), and several hundred passages in the *United States Code* which now read "The President shall do so and so" should be altered to read "The Vice-President shall do so and so." Many of the President's statutory responsibilities are of ancient lineage and were given to him in the first place by a Congress which refused to consider "the total pattern of presidential obligations."[32] Here, picked at random from the *Code*, are some statutory obligations of the President which might be transferred to the Vice-President: the approval of sites and construction for veterans' hospitals, of contracts for the purchase of land by the National Capital Park and Planning Commission, and of the transfer of property between T.V.A. and other governmental agencies; a total of thirty duties of a supervisory nature in regard to the Public Health Service, many of them absurdly trivial; the issuance of several dozen categories of Canal Zone regulations, including those governing boxing and sparring exhibitions in that area; and (this dates from six years ago, by which time we should have known better) the approval of orders extending the trust period for lands of the Indians of the Klamath Falls reservation. And why should the President have to proclaim Pan American Aviation Day, Gold-Star Mother's Day, Columbus Day, and any other Day which some pressure group can persuade Congress to acknowledge by statute? Again, the Presidents must prescribe regulations governing allowances for officers and enlisted men of the Army, Navy, Marine Corps, Air Force, Coast Guard, Coast and Geodetic Survey, and Public Health Service. This type of duty has been laid upon the President for want of some other piece of interdepartmental machinery in a constitutional position to deal with administrative problems involving more than one agency of the government. According to two experts, "While these matters intrinsically may not merit the personal

[32] Waldo and Pincus, *loc. cit.*, p. 341.

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action of the President, it is questionable whether the nature of the American governmental system permits the invention of machinery adequate to relieve the President of these obligations." [33] This machinery does not have to be invented at all; it sits there in the Constitution waiting for someone to get it moving. It is ridiculous, even criminal, that such matters should continue to cross the President's desk, if only for a glance, a question, and a hasty signature. And why not go all the way? Where the Budget and Accounting Act of 1921 reads "The President shall transmit to Congress on the first day of each regular session, the Budget," [34] might not the Vice-President be substituted for the President, and thus assume the over-all planning duties connected with the annual budget?

Thirdly, there is no sound technical or constitutional reason why the Vice-President cannot be authorized to sign the President's name, except where the Constitution appears plainly to demand the chief executive's own signature, as in the case of statutes, veto messages and pardons. Here, to be sure, the emphasis is on the substantial and welcome relief which the President would be afforded. Looking back upon his four years in office, President Taft remarked that "a substantial part of each business day is occupied with signatures," and added with evident satisfaction, "I was able to sign with only seven letters." [35] The statutory transfer of administrative obligations would cut down sharply the number of times the President must sign his name every day, while an enabling statute would add to this relief by granting him discretionary power to authorize the Vice-President to affix the chief executive's signature. The model for such statutory authorization may be found in the *United States Code*: "A clerk in the Gen-

[33] Waldo and Pincus, *loc. cit.*, p. 343. In 1945 Professor E. S. Corwin recommended the establishment of a new office, that of "Assistant President". The particular need which he had in mind was a more precise and logical succession to the Presidency (the Assistant President would *act* as President in the event that both President and Vice-President should die), but another purpose of this office was apparently to provide top-level administrative assistance for the chief executive. *The Congressional Digest*, vol. XXV (1946), p. 91.

[34] *U.S. Statutes at Large*, vol. XLII, p. 20.

[35] *Our Chief Magistrate and His Powers* (New York, 1916), p. 40.

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eral Office of grade 1, clerical, administrative and fiscal service, shall be designated by the President to sign in his name, and for him, all patents for lands sold or granted under authority of the United States." [36]

An Executive Office of the Vice-President, a smaller replica of the President's invaluable secretariat, should also be created by law. Two secretaries, two or three administrative assistants, and a general counsel—as well as the necessary clerical force—might be authorized, and an adequate office, close by or even in the White House, provided. Finally, $20,000 is not enough; an essential item in this scheme is a substantial boost in the Vice-President's compensation. Moreover, he should occupy a residence in keeping with his position as the second officer of the national government. A salary of $50,000 and an official residence at least as handsome as Blair House would offer *prima facie* evidence of the new prestige and importance of the Vice-Presidency.

## VI

The next move is up to the President. It would be his responsibility to make this statutory transfer of administrative functions an established constitutional fact. The "usages of the Constitution", as Horwill labeled them, do not just grow. Rather they are made by men, and no man is in a handier position to create constitutional custom than the President himself, as the legacies of Washington, Jackson, Lincoln, Wilson and the two Roosevelts remind us. Here are some steps which the President might take.

He should invite, even *order,* the Vice-President into the Cabinet on a permanent basis. The reasons for Charles G. Dawes's refusal to sit in President Coolidge's Cabinet would no longer be valid, if indeed they ever were. The President might take a leaf from Washington's book and request the Vice-President to preside over meetings of the Cabinet during his absence from the capital, or whenever purely administrative matters are to be discussed. The status of the Vice-President

[36] Title 43, sec. 8. Public Law 667 of the present Congress has finally put this presidential duty where it always belonged—in the Department of the Interior.

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as a working, rather than an honorary, vice-chairman of the board would in this way be dramatized to the nation *and* the Cabinet. He would automatically become a prominent member of the President's policy-making team.

The President should transfer to the Vice-President, by means of precise executive orders published in the *Federal Register* and understandings set down in writing, all possible presidential duties of an administrative character. The President will have to feel his way along; only in time and through experience will the boundaries of the Vice-President's new field of authority be satisfactorily marked out. Power will follow prestige and prestige will follow power, as this vital new office is raised up on its constitutional foundations. Some of the presidential burdens which the Vice-President might shoulder, in addition to those transferred by statute, are: the examination and disposition of private bills, and many administrative public bills as well; the handling of all patronage in the administrative branch, that is, the clearing of appointments except at the very top levels; the formulation or processing (with the continued aid of the Bureau of the Budget) of the administration's legislative proposals; consultation with House and Senate leaders on administration bills dealing with matters within his widened area of responsibility; and all those continuing details of day-to-day housekeeping and technical improvement from which the President has long since fled in weary confusion. Since the President would remain the constitutional chief administrator, all matters of large policy in this field would continue to merit his final attention and decision. Here, as in this whole program of reform, the President must lead the way to an efficient working agreement.

Next, the Vice-President himself must establish a number of precedents. For example, it is obvious that his constitutional duty to preside over the Senate would be exercised only on major occasions. This is no problem at all. Fifteen times since the founding of the Republic we have been without a Vice-President, and the Senate has been able to get along very well indeed with its president pro tempore. It would be for the Vice-President to decide whether any particular proceedings

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of the Senate demanded his presence. As a matter of fact, should this reform be carried through and the Vice-President become the President's chief administrative assistant, his presidency of the Senate might decline to a constitutional dead letter.

Lastly, it would be the responsibility of the major political parties, acting through their quadrennial national conventions, to institute one of the most necessary customs (political rather than constitutional, to be sure) of the new Vice-Presidency. Representative Monroney believes that the added powers, prestige and perquisites of the nation's second office would make it almost as attractive as the Presidency itself, and perhaps he is right. If, as he assumes, the voter can be educated to study carefully both ends of any presidential ticket and demand that the second man actually be of "known executive ability", then the conventions will be forced to nominate such men for the Vice-Presidency. The "balanced ticket" would continue to be a political necessity, but this would prove no obstacle to placing a first-rate man in second place. There would simply be a new and more significant element of balance. The conventions would be glad to offer a combination of a leading political and a leading administrative figure.

## VII

A number of criticisms may be entered against this plan for a reform of the Vice-Presidency. In the first place, there is no assurance that it could be successfully executed. The problem of the Vice-Presidency is plain enough, and all will agree that something should be done about it. Yet, it is possible that the simple solution outlined in these pages might prove too simple. It will not be easy to fix the boundaries between Presidency and Vice-Presidency, in regard to the execution of the laws and supervision of the administrative branch. It will not be easy to follow these successive steps to reform. It was no easier to make the I.C.C. a successful instrument of modern government, while the unification of the armed forces has plainly just begun. With the proper will from the proper people, it could be done. It is comforting to note that there

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are remarkably few vested interests blocking the way. Nor should we forget the reminder of Euripides: "The end men looked for cometh not, and a path is there where no man thought." No doubt a better plan than this could be formulated by the Hoover Commission, the Bureau of the Budget, or a congressional committee.

Moreover, several apposite questions of a specific nature should be answered. For example, would not a Vice-President of authentic prestige and authority, especially one with a mind and policy of his own, be in a position to offer a serious challenge to the Presidency itself? I hardly think so. The constitutional position of the Presidency is untouched by this plan. Whatever duties and leadership he may renounce in the field of public administration, he remains the undisputed leader in military affairs, foreign relations, ceremony, public opinion and politics. Moreover, he will sharpen his command in these important fields in direct proportion to the added hours and freshened mental powers he will bring to his briefings and decisions. And after all, he is still President, and the Vice-President still Vice-President. A weak President might give too much authority to a strong Vice-President, but he might give it to a Secretary of State or an entire Cabinet, too. After every Madison, Monroe and John Quincy Adams comes a Jackson; after every Fillmore, Pierce and Buchanan a Lincoln. The Presidency is not an office to be thus easily stripped of power and prestige. Furthermore, the Vice-President could gain nothing by a challenge to the President but a loss of the customary power that a friendly President would willingly grant him; he could gain everything, including perhaps a presidential nomination, by being an able business manager of the government serving his constitutional chief with loyal zeal. The Vice-President would hardly seek to weaken an office to which Vice-Presidents would henceforth be more likely to succeed by the votes of their fellow citizens.

A parallel objection is raised by the questions of tenure and removal. It is one thing for a President to delegate administrative duties and policy-making decisions to a department head over whom his power of removal is complete and instan-

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taneous. It is another matter entirely when the man on the receiving end is an officer with constitutional status, in no way subject to that presidential supervision and dominance, which the power of removal logically engenders. For four years, at least, the Vice-President is as irremovable as the Chief Justice, and what President will delegate real powers to a man whom he cannot dismiss in case of conflict or disloyalty? Or, if the Vice-President is nevertheless given such power, what is to prevent him from disagreeing completely, bitterly, and even openly with the President on a major issue of administrative policy? The inevitable conflicts of a plural executive, long ago rejected by the framers of the Constitution and laid to rest by Hamilton in *The Federalist*, would rise from the dead to plague our national politics. One way or the other, the whole purpose of this reform would be defeated. Either the Vice-President would be given too much power and a plural executive would result, or he would be given too little and the reform would be merely nominal. Perhaps the best answers to this criticism are the historical facts that Calhoun was the last Vice-President to differ openly with his President, and the political fact that no presidential candidate has to accept a running mate of whom he positively disapproves. Nine times out of ten the President and Vice-President would form a harmonious administrative team, and if we remember that the President remains the undisputed constitutional and political leader of the American people, we can agree that the tenth time would result simply in a frustrated Vice-President.

Finally, what if the President should die and the Vice-President succeed to his office and powers? If the Vice-Presidency has been successfully transformed into the government's leading administrative office, it cannot be left vacant for any length of time. How will this vacancy be filled? The criticism is valid, but to it, as to the over-all problem of the Vice-Presidency, there appears to be a satisfactory statutory solution. Article II, section 1, paragraph 6 states flatly that "Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President." In drafting an omnibus statute for the revival of the

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Vice-Presidency, Congress would perforce make provision for a vacancy in this office. Such a vacancy might be filled according to the pattern of the Act of 1886,[37] by providing for the succession of a department head to the post of acting Vice-President, in which case he would not have the right or duty to preside over the Senate; or, according to the pattern of section 10 of the Act of 1792,[38] by providing for an intermediate election of a Vice-President to the unexpired term. The power of Congress to authorize an intermediate election by law has been challenged, but not too sharply and not at all effectively.[39] The fathers of the Constitution put the Act of 1792 on the books, and if an intermediate election is not a "necessary and proper" means of carrying into execution the power thus vested in Congress, what is? Congress should be able to work out a satisfactory method for an effective and prompt succession to a vacated Vice-Presidency.

The time has surely come for a strengthening of the Vice-Presidency. The next President has the power to give life to this moribund office. Even if he does not deem it necessary or wise to work this reform through with the blessing and aid of Congress, he can still do a great deal on a strictly informal basis—by bringing the Vice-President into the Cabinet, by sending him on special diplomatic missions, by placing under his supervision the preparation of major legislative proposals (such as the tremendous effort which preceded the Economic Cooperation Act of 1948), or by relying on his judgment before that of any other adviser. The permanent revival of our second office, however, would seem to call for all the steps—investigatory, statutory, executive and political. Sancho Panza

[37] *U.S. Statutes at Large,* vol. XXIV, p. 1.

[38] *Ibid.,* vol. I, p. 240. The Act of 1792 apparently provided that any President or Vice-President chosen by the special election authorized in section 10 would enjoy the full four-year term, an expedient which, as Professor Corwin points out, "set at naught the synchrony evidently demanded by the Constitution in the choice of President with that of a new House of Representatives and one third of the Senate." E. S. Corwin, *The President, Office and Powers* (2nd ed. rev., New York, 1941), pp. 56-57.

[39] See the discussion in W. W. Willoughby, *The Constitutional Law of the United States* (2nd ed., New York, 1929), pp. 1467-1468, and the review of the authorities in Field, *loc. cit.,* p. 388.

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wisely counseled, "The main point in this point of government is to make a good beginning." In this instance, good intentions will make a sufficiently good beginning.

The gains for progressive, efficient government which this reform would work have already been presented. The Vice-Presidency would be re-created as an office of dignity and power. The Vice-President would be at last what Luther Martin long ago predicted, "that great officer of government",[40] and the succession would be as secure as we cared to make it. At the same time, the independence, prestige and unity of the Presidency—those qualities which in times of alarum and excursion make it our most valuable instrument of government—would be left unharmed, and would even be strengthened. If the next President does have it in mind to do something about this situation, let us hope that he will ignore the cries of the congenital anti-reformers. This is not an attempt to undermine the foundations of the Republic, or of any of its basic institutions. Like the Galloway-La Follette-Monroney proposals to reform Congress, it is an aboveboard suggestion for the strengthening of an existing institution at no other institution's expense. Even Burke would admit the worth and safety of such a reform.

CLINTON L. ROSSITER

CORNELL UNIVERSITY

40 "Genuine Information", in Max Farrand, ed., *Records of the Federal Convention* (New Haven, 1911), vol. III, p. 217.

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# THE ENTREPRENEUR'S ROLE IN INTRODUCING THE SOUND MOTION PICTURE

CANTILLON, as early as 1755, called the risk-taking business man an entrepreneur. The romantic sounding epithet got itself well imbedded in American economic literature toward the end of the nineteenth century, thanks largely to Francis A. Walker and John Bates Clark. Although English equivalents such as adventurer, captain of industry and undertaker have been used, it is the French word which has endured.

After the turn of the century, American economists used both entrepreneur and undertaker. Somehow undertaker dropped out, perhaps because it was too funereal even for professors of the dismal science. Entrepreneur sounded so much less dismal and more scientific. At any rate, it stuck. According to Thorstein Veblen in his *Theory of Business Enterprise*,[1] the function of the entrepreneur was "held to be the coördinating of industrial processes with a view to economies of production and heightened serviceability." Veblen did not question this view. "It has great sentimental value and is useful in many ways", he wrote. "There is also a modicum of truth in it as an account of facts." But, he continued, "motives of this kind detract from business efficiency, and an undue yielding to them on the part of business men is to be deprecated as an infirmity."

At the time, Veblen's sardonic comments did not cause much more than a ripple on the surface of economic theory. As corporations continued to grow in size and power, however, other economists began to have doubts about the entrepreneur. Bigness seemed to eliminate much risk and uncertainty. When Adolf A. Berle, Jr., and Gardiner C. Means published *The Modern Corporation and Private Property*,[2] well documented

[1] New York, 1904.

[2] Chicago, 1932.



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with facts and statistics, they raised a number of theoretical questions. Incidentally, the word entrepreneur was not listed as a subject heading in the index of their book. Their principal emphasis was on "controlling groups" or simply "control".

In the discussions which followed — they might be called theoretical battles—there was considerable mental stock-taking. According to orthodox economic theory, the capitalist got interest for his capital, the landowner received rent for his land and the manager received wages for his work. Supposedly the entrepreneur received profits in return for his risk-taking. But, economists asked: "Who is the entrepreneur? Is he chairman of the board of directors, the head of the finance committee, the president, the general manager or the controlling group? What does he do? Where is he?" For a time, this questioning developed into a regular game of *Cherchez l'Entrepreneur*. In fact, economic theory still is not clear on the distinctions among entrepreneurial profits, managerial salaries and interest on capital.

Because of this theoretical vagueness, it may be interesting to study the entrepreneur's rôle in introducing the sound motion picture. It is old enough, thanks to the foundation laid by the silent motion picture, to have become established as an institution; and it is young enough to permit verification of details. Since many of the scientists, inventors, engineers, cameramen, technicians, artists and business men who contributed to the debut of this laboratory baby in 1926 are alive to tell us how it happened, it should be simple to evaluate the contributions of business men in this case and to discover how their actual behavior resembled or contrasted with entrepreneurial behavior as described in economic theory.

First, what does economic theory say about the entrepreneur? Happily for us, the editors of the *Encyclopedia of the Social Sciences* put Maurice Dobb and Werner Sombart to work on the subject; so we have at least two anchors to windward. In his article on the "Entrepreneur" in Volume Five of the *Encyclopedia*, published in 1935, Dobb summarized concepts held by various economists from the eighteenth century onward. He found that many writers had listed the work of coördination or management as important entrepreneurial functions.

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> Other writers, however, following Cantillon [Dobb continued] have stressed the facing of uncertainty as a unique function qualitatively different from other economic functions and have represented this as the essential mark of the entrepreneur. In so far as uncertainty as to the future is an integral feature of economic change, the bearing of uncertainty must necessarily be identified with the making of the ruling decisions in the economic system. Hence the entrepreneur is in a very special sense the key factor in economic life. This conception has been carried furthest by Frank H. Knight,[3] who has pointed out that the significant feature of economic change is precisely the incalculability of the results of economic activity. The entrepreneur in taking the ruling decisions is the person who gains or loses according as the actual outcome of events exceeds or falls short of the anticipated outcome.

Werner Sombart's article on "Capitalism" in the *Encyclopedia* is also useful in throwing light on economic theory as it relates to business enterprise and the entrepreneur. Ideally, Sombart said, the capitalistic entrepreneur combines the traits of inventor, discoverer, conquerer, organizer and merchant. He invents not so much technical innovations as new forms of organization for production, transportation and marketing. In using invention, he improves and vitalizes it in many ways. He discovers new outlets for products in new territories or in new layers of demand in areas already exploited. He overcomes obstacles and has the courage to take great risks. He organizes many individuals in a common and effective endeavor. He manages human beings and inanimate objects in such a way as to wrest from them their maximum productivity. He must be a keen judge of manpower, and he must know how to shift responsibility to subordinates.

Sombart conceded that there was a tendency to dissociate capital ownership from executive management, as Berle and Means had pointed out. Usually, the hired executive replaced the owner-entrepreneur when corporate ownership replaced single ownership or partnership.

There was also a tendency toward increasing functional specialization in entrepreneurial activity, he said. There might be three types of entrepreneur within an enterprise:

[3] *Risk, Uncertainty and Profit* (Boston, 1921), p. 268.

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(1) The expert, who centered his interest on product. Plant organization was his major concern. His chief objective was to get and make the best use of the proper working forces in producing for the market.

(2) The merchant, who centered his attention on anticipating future demand. Ideally, he created wants and supplied the means for their satisfaction. He was the product market specialist.

(3) The financier, whose important activity was the creation and accumulation of capital. His milieu was the capital market.

Sombart spoke of "daring decision, intuitive judgment and instinctive grasp of a situation" as components of the entrepreneurial spirit. In another place he referred to "the recklessness, daring and aggressiveness of the typical entrepreneur." He conceded, however, that "these qualities are paralyzed and fall into disuse with the spread of cartels and trusts and other manifestations of the tendency toward concentration. It is possible that there is a general tendency to gradual decay of the entrepreneurial mentality."

These excerpts and paraphrases from the *Encyclopedia* may recall enough of the Dobb and Sombart originals to serve as a frame of reference for an examination of the entrepreneurial rôle in the introduction of the sound motion picture.

. . . . . .

Back of the success of sound motion pictures lay a long history of painstaking experiment by a great many scientists, inventors and engineers. From the first (1887), Thomas A. Edison had been interested in motion pictures as a means of illustrating his phonograph. He wanted audiences to see as well as hear the artists recorded on the phonograph; but his early motion pictures, projected on the screen in 1896, were silent. After long experimentation, Edison began in 1913 to market a device which he called the kinetophone for projecting talking pictures. This was a combination of the phonograph and a motion picture projector, linked together by means of cords and pulleys.

Considering the fact that electrical recording, electrical syn-

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chronization and vacuum tube amplification were still in the future, Edison's "talkers" were a distinct contribution. A fire in the Edison laboratories on December 9, 1914 destroyed the motion picture department, and manufacture of "talkers" was not resumed.

It was ironical that Edison did not have the new electronic devices, because they were being developed at the time he brought out his kinetophone. In 1907 Lee de Forest had invented a three-element tube which he called the audion. Five years later he showed his tube to Western Electric engineers, who saw in it the potential basic element to amplify telephone conversations transmitted across the country. Accordingly, Western Electric, which is part of the Bell System, bought the audion in 1913, and telephone engineers, led by H. D. Arnold, immediately set to work to develop it into what we know as the high-vacuum tube.

A sensitive condenser microphone had been perfected by E. C. Wente of Western Electric in 1916. The vacuum tube was already being used to amplify speech in the transcontinental telephone system. These two devices were now adapted to the public address system, and by means of it 125,000 persons were able to hear President Harding's inaugural address in 1921. Electrical recording, previously developed as an adjunct to telephone research, gave the phonograph industry a new lease on life. The basic elements of talking pictures were now in the laboratories. It remained for engineers and scientists to assemble, adapt and improve them.

Dr. Charles A. Hoxie demonstrated his sound-on-film device at the General Electric Laboratories late in 1920. This was the experimental forerunner of the present commercial Photophone system. The following year Lee de Forest gave his first demonstration of sound-on-film recording in his laboratory in High Bridge, New York. In 1921-22, Wente developed the light valve for recording sound on film. In December 1922, Theodore W. Case and Earl I. Sponable invented the AEO light for recording sound on film. On April 15, 1923, and for three weeks thereafter, De Forest's Phonofilm was shown as part of an otherwise silent program at the Rivoli in New York City; but film-industry leaders did not adopt it.

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Others had attempted at various times to synchronize sound and motion pictures. Among them were Pathe Frères, Leon Gaumont, Eugene A. Lauste, Tri-Ergon Corporations, R. and E. Singing Picture Co. and Webb Talking Pictures (J. B. Muselaphone System), Cartella Talking Picture Machine Co. (Western Electric receivers and transmitters), C. H. Verity Talking Moving Picture System (Veritiphone), and Orlando E. Kellum.[4]

Except for a few excursions into the theatre, however, the talking picture remained a laboratory project. Western Electric and Bell Telephone engineers, encouraged by their chief, Edward B. Craft, had forged ahead with both sound-on-film and sound-on-disc systems of talking pictures.

By the spring of 1925, the talking picture was ready to be adopted by the film industry and presented to the public; but it was held back by the inertia of vested interests at two levels: production and exhibition. Producers had a vested interest in physical equipment, inventories of silent pictures and the combined skills of their existing organizations. These assets included featured players who had been successful in silent pictures but who were now threatened with the danger that they might not succeed in talking pictures. Besides, the big companies were making profits. Change would involve too much uncertainty. Exhibitors, too, were reluctant to invest thousands of dollars in new equipment. Why should they, when they were already making money? A special factor was at work in retarding the adoption of talking pictures in the big theatres. Their owners had installed orchestras and "live" stage shows, which gave them a competitive advantage over smaller theatres in second and subsequent runs, the operators of which could not afford to hire orchestras and actors. They foresaw that sound motion pictures, by making the best music available to any crossroads theatre with reproduction equipment, would wipe out this advantage. In the case of companies which produced pictures and operated theatres with orchestras, these retarding factors worked at both levels.

[4] "Twenty Years of Talking Movies", by Frank H. Lovette and Stanley Watkins, *Bell Telephone Magazine*, Summer, 1946.

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Thus, for a time, the product of research by scientists, inventors and engineers went begging. Then Major (now Colonel) Nathan Levinson, an engineer in the employ of Western Electric Company, told Samuel L. Warner about it and invited him to attend a demonstration of a few early experimental talking pictures at the Bell Telephone Laboratories. Warner was so enthusiastic about them that he persuaded his brothers—Harry, Albert and Jack, with whom he was associated in producing silent films—to hear and see them. Although the Warners knew that other film companies had turned down talking pictures, the brothers agreed that they were worth while and undertook to develop them. Why?

Risk-taking appears to be stimulated by the need for it. The Warner company was a small one. Although it was successful, it was still far from the comfortable security which made executives of the larger companies ignore the new technology. The Warners' business experience, which followed the traditional American pattern, taught them that they would have to take risks if they wanted their company to grow. Therefore, they began to experiment with sound motion pictures, backing the venture with their own funds. It was risky, of course, but they had enough confidence in their judgment of public taste to believe that they could produce talking pictures which movie-goers would pay to see and hear. The experiment promised to yield ample profits to compensate their company for the risk involved.

The new project was carried forward by an experimental crew consisting of cameramen, actors, writers, directors, musicians and studio technicians supplied by Warner Bros. and a recording crew assigned by Western Electric. When problems arose, Sam Warner could call on the Bell Telephone Laboratories for help. This was especially convenient because his chief sound engineer was Stanley Watkins, who had headed the group of engineers experimenting with talking pictures at the Bell Laboratories. The task was to merge familiar studio elements with the unfamiliar elements supplied by the laboratory. It was not only a question of meeting high technical standards; sound motion pictures must be so entertaining as to win the consumers' preference over silent films—then at the peak of

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their success. Art and business judgment as well as technology were involved.

As was to be expected, the studio-laboratory crew encountered many technical difficulties. Microphones were so sensitive that they picked up extraneous sounds, such as the noise of the camera, the passing of subway trains and the cooing of doves which had settled in the roof girders of the old studio. Since the microphones themselves could not be moved without making noise that would be recorded, they had to remain stationary. Actors and musicians were held within narrow limits and " played to the mike ".

By the spring of 1926, however, the Warners agreed that talking pictures were sufficiently advanced to make definite plans for theatrical release. In April they formed the Vitaphone Corporation to carry on the development. Warner Bros. Pictures, Inc., supplied the capital. On April 20 Western Electric entered into a formal license agreement with Vitaphone to replace the earlier " trial marriage " agreement during the experimental period.

In December 1925, Jack Warner had completed the production of *Don Juan*, a silent feature picture starring John Barrymore. Its release was held up so that it could be provided with a recorded symphony orchestra accompaniment for the *première* of talking pictures. The program was to consist of performances by operatic and concert stars recorded directly by electrically synchronized cameras and sound apparatus, then reproduced on the screen by the new mechanism. An even more severe test, because it involved difficult problems of lip synchronization, was to be a speech by Will H. Hays, president of the Motion Picture Producers and Distributors of America.

By midsummer of 1926 the program for the *première* began to take definite shape. In addition to *Don Juan*, it included the Philharmonic Orchestra, conducted by Henry Hadley; Giovanni Martinelli, Metropolitan Opera tenor; Marion Talley and Anna Case, Metropolitan Opera sopranos; Mischa Elman and Efrem Zimbalist, violinists; and Harold Bauer, pianist. In August all was in readiness.

Would the new technology succeed in winning audience preference over the enormously popular silent films? A partial

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answer was given by the various reactions at the *première* on August 6. When members of the audience, accustomed to silent pictures, heard and saw singing and performing likenesses of opera and concert stars brought living to the screen, they regarded talking pictures as a miracle. So did scientists. Professor Michael I. Pupin of Columbia University said: "No closer approach to resurrection has ever been made by science."

Critics approved, and the audience was enthusiastic; but theatre owners did not clamor to have their theatres wired for sound. They were reluctant to spend the money necessary to install sound reproduction systems—the cost ran from $16,000 to $25,000—until the larger companies began to produce talking pictures. Even after weeks of successful demonstrations before paying audiences, film-industry leaders still said: "Talking pictures are just a fad. They won't last."

As a result, the company faced a limited market for talking pictures. On the theory that consumers give value to the products of enterprise, the Warners set out to win the public first. They believed that, given a choice between silent and sound films, consumers would choose the latter. Eventually consumer demand would compel widespread adoption of the new technique.

While the *Don Juan* program continued to draw capacity crowds to the Warner Theatre, two more programs were prepared. For a time in the season of 1926-27, there were three Vitaphone shows running in New York City—all three with accompanying programs of Vitaphone shorts. The Warners also installed reproducing apparatus at the company's expense in Atlantic City, Chicago, Boston, St. Louis, Philadelphia, Hollywood, Detroit and elsewhere to provide show windows.

At the same time, they tried to spread the risk by persuading theatre owners to install reproducing apparatus with the aim of making their theatres more profitable. Speaking before a group of Harvard students in March 1927, Harry Warner described this process of imparting the entrepreneurial spirit to exhibitors.[5] He told the students he went to a certain theatre man, who

[5] Chapter 14 of *The Story of the Films*, edited by Joseph P. Kennedy (New York, 1927).

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thought the Vitaphone apparatus was too expensive, and asked him: "How much money did you make in the past six weeks?" The exhibitor said he had made about $1,500 in that time. Then Warner asked: "If I can put in a Vitaphone that will cost you $18,000 and give you a picture to play that will pay for the machine in one run, what do you care about the cost?" That led to an agreement on the basis of a fifty-fifty division of profits, which brought Warner Bros. $54,000 in film rental and the exhibitor $54,000 as his share of a six weeks' run.

Early in the summer of 1927, the Warners bought the talking picture rights of *The Jazz Singer*, a play by Samson Raphaelson, and engaged Al Jolson to play the title rôle. Only the singing sequences were recorded directly by Vitaphone. The remainder of the picture was photographed silent and later provided with an orchestral score. One day Jolson was singing "Dirty Hands, Dirty Face". When he finished, the sound apparatus was left running to record the applause of the extras comprising the café audience.

"Wait a minute! Wait a minute!", Jolson said. "You ain't heard nothin' yet."

It had not been intended to include any dialogue in the picture. When Jack and Sam Warner and the director, Alan Crosland, heard the impromptu spoken words on the playback, however, they decided to leave them in the finished picture. In a later sequence they added a page of dialogue between Jolson and his screen mother. On October 6, 1927, that impromptu speech and the later dialogue delighted the first-night audience in New York City. Feature talking pictures had advanced another step.

Although the public reaction to *The Jazz Singer* and to talking pictures in general was enthusiastic, much remained to be done. The original strategy was succeeding. It proved that there was a public eager to see and hear talking pictures. *The Jazz Singer* marked the turning point in winning acceptance for the new technology. After the opening in New York, other engagements were arranged in principal cities throughout the United States. These stimulated the demand for theatre installations.

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Soon even the diehards in the industry were beginning to realize that Al Jolson's interpolated remark, "You ain't heard nothin' yet", might be prophetic. By the summer of 1928 the rush to wire the film industry for sound was well under way. In June, 220 theatres were showing talking pictures as compared with 100 the previous fall; and *Film Daily* reported that the installation of sound equipment was being speeded everywhere. If there were any lingering doubts among film-industry leaders about the public's support of talking pictures, these were dispelled by the success of *Lights of New York*, the first all-talking feature picture, in the summer of 1928. By the end of the year, Western Electric had wired 1,046 theatres for sound.

Meanwhile, what were Warners' competitors doing? On July 23, 1926, just two weeks before the world *première* of Vitaphone, William Fox entered an agreement with Theodore W. Case and E. I. Sponable, co-inventors of the Movietone sound-on-film method of recording, which led to the formation of Fox-Case Corporation for the commercial development of their system. On January 21, 1927, Fox-Case presented its first program, consisting of a number of sound-on-film short subjects, in connection with the showing of the silent film, *What Price Glory*, at the Sam Harris Theatre in New York City. On February 24, a more elaborate program was shown to newspapermen. It was explained that the AEO light used in recording was developed by Case and Sponable, but the amplifiers, microphones and loud speakers were supplied by Western Electric.

On February 11, 1927, the General Electric Company, the Radio Corporation of America and the Westinghouse Company sponsored a demonstration of their sound-on-film device at the Rivoli Theatre in New York City.

On April 28, 1927, Fox presented a preview of Movietone News at the Roxy Theatre in New York City. This included scenes of marching West Point cadets, with simultaneous reproduction of sound and action. On June 18 audiences at the Roxy applauded the Movietone reproduction of speeches by President Coolidge and Charles Lindbergh at the Washington

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reception of the aviator on his return from his transatlantic flight. In September, Fox presented F. W. Murnau's silent feature picture, *Sunrise*, with a Movietone musical score.

By this time the sound-on-film method of recording and reproduction had demonstrated its potentialities to such an extent that the Eastman Kodak Company established a sound-on-film department. Under Dr. Otto Sandvik, this department began to conduct research into photographic aspects of recording, processing and reproducing sound motion pictures. Within the next several years, it made some notable contributions.

On January 6, 1928, David Sarnoff, vice president of Radio Corporation of America, and Joseph P. Kennedy, president of Film Booking Offices, jointly announced that talking picture apparatus developed by the General Electric, Radio and Westinghouse organizations were ready for use. This resulted in the commercial introduction of what is now the RCA-Photophone process of recording and reproduction by the sound-on-film method. The first theatre installation was completed on October 1, and the first picture to be released with the new Photophone recording was FBO's feature, *The Perfect Crime*.

Up to this time, all of the non-Warner feature pictures were produced without sound, and musical scores were added later. Beginning in the spring of 1927, Fox had great commercial success with the pioneer Movietone News and Movietone short subjects; but it was not until January 1929 that Fox presented an all-talking feature picture, *In Old Arizona*. This was notable because outdoor sound was recorded in perspective by the Movietone apparatus under the supervision of Sponable, its co-inventor. In March, Fox announced that his studio had changed over completely to talking pictures. Gradually, other studios fell into line, first with musical scores added to silent pictures, then with part-talking, and finally with "100 per cent all-talking pictures", and the competition to Warner talking pictures increased.

Some critics continued to be skeptical of the new technique. Sound, they wrote, only added confusion. Producers, directors, writers, cameramen and technicians in the various studios said

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nothing. They were hard at work trying to regain the scope and movement of the silent film. Most of the early sound pictures were operettas and musical comedies such as *Sunny Side Up* (Fox), *Broadway Melody* (MGM), *Rio Rita* (RKO) and *The Desert Song* (Warner). While continuing to make musical films, producers were also experimenting with drama. One big problem was how to get away from " playing to the mike ", which deprived actors of their freedom of movement.

By 1929 they had made considerable progress in recording dialogue without the former stiffness. *In Old Arizona*, already cited, was one example of the greater freedom of movement attained. Another was *Disraeli* (Warner), starring George Arliss. In both, art and the new technology contrived to give audiences the illusion of being present at the events re-created on the screen. The following year other studios, too, demonstrated in such pictures as *All Quiet on the Western Front* (Universal) and *Cimarron* (RKO) that the motion picture had regained its old vitality and scope, enhanced by the added element of sound. Later *Street Scene* (United Artists), *Anna Christie* (MGM) and *Holiday* (Pathé) illustrated the increasing skill with which dialogue was being used. The technological revolution was complete.

Warners had been the pioneers, however, and their company reaped pioneering rewards. In order to measure the impact of the new technology on the company, we shall have to rely on corporate financial reports. Data on strictly entrepreneurial earnings are not available for a number of reasons. One is the theoretical vagueness, already mentioned, as to the exact limits of entrepreneurial activities and earnings. A second is the fact that entrepreneurial rewards include many intangibles. As Sombart pointed out in the article cited, motives of the entrepreneur may include the desire for power, the craving for acclaim, the impulsion to serve the common good and the urge to action. " But as all these motives work out in the capitalistic enterprise," he continued, " they become by virtue of inner necessity subordinate to profit making. For on closer examination it appears that none of the strivings which actuate the entrepreneur has any chance of success unless the capitalistic

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enterprise itself is successful, unless it yields a surplus above cost." A third compelling reason is that corporate accounting does not single out the data needed for theoretical analysis. The primary goal of a business enterprise is not entrepreneurial profit in a theoretical sense. It is just plain profit, a surplus above cost which can be converted into dividends, debt reduction, or expansion.

Then, too, it is well to keep in mind that the Warners' rewards were not only entrepreneurial profits, but managerial salaries and interest on their venture capital as well. They also enjoyed many intangible rewards, such as enhanced power and prestige in their positions as company officers. Thus this case does not help to clear up the theoretical confusion regarding entrepreneurial profits, managerial salaries and interest on capital.

One thing, however, can be roughly measured, and that is the impact of the new technology on Warner Bros. Pictures, Inc. The company entered 1925 largely family owned. Chiefly as a result of the introduction of sound motion pictures, it advanced from a modest position to a place of leadership in the film industry. Two convenient indices for this period and the years which followed are the assets and profits or losses of Warner Bros. Pictures, Inc., as shown in the accompanying abbreviated table based on data in financial reports of the company:

| Fiscal year ending | Total assets | Net profit | Loss |
|---|---|---|---|
| March 31, 1925 | $ 5,186,000 | $ 1,102,000 | |
| March 27, 1926 | 10,683,000 | | $ 1,338,000 [a] |
| August 28, 1926 | 10,754,000 | | 279,000 [a] |
| August 27, 1927 | 15,913,000 | 30,000 | |
| August 31, 1928 | 15,785,000 | 2,045,000 | |
| August 31, 1929 | 167,189,000 | 14,514,000 | |
| August 30, 1930 | 230,185,000 | 7,075,000 | |
| August 29, 1931 | 213,857,000 | | 7,919,000 [b] |
| August 27, 1932 | 182,728,000 | | 14,095,000 [b] |
| August 26, 1933 | 169,791,000 | | 6,292,000 [b] |
| August 25, 1934 | 168,342,000 | | 2,531,000 [b] |
| August 31, 1935 | 168,472,000 | 674,000 | |
| August 29, 1936 | 173,009,000 | 3,177,000 | |
| August 31, 1945 | 179,263,000 | 9,901,000 | |
| August 31, 1946 | 188,053,276 | 19,425,000 | |
| August 31, 1947 | 184,630,000 | 22,095,000 | |

[a] This was in the experimental period.

[b] This was during the depression.

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As indicated by this table, Warner Bros. Pictures, Inc., was a small company with good earnings in 1925. Then followed two and a half precarious years of experiment and practical demonstration of talking pictures. An item in the financial report for the year ending August 31, 1928 illustrates how closely interests of the brothers and interests of the company were tied up together and also how severe had been the strain on their resources. The 1928 balance sheet reported an excess of current liabilities over current assets of $1,064,000. This would have been an impossible situation had it not been for the fact that these liabilities included sums owed by the company to the Warners themselves. In order to raise the money loaned to the company, the brothers had sold, on the open market, shares issued to them in payment for their partnership assets when the company was incorporated in 1923. Money realized on sale of their stock was then advanced to finance the development of talking pictures and to strengthen the company. At one time between August 1926, when talking pictures were introduced, and December 1928, when their success appeared to be pretty well assured, these Warner advances to the company exceeded $5,000,000. By risking this sum, they helped to assure the success of talking pictures and aided their company in attaining a position of prominence in the industry.

Happily for Warner Brothers, the upward trend in the business cycle in 1927 and 1928 made it easier for them to market their personally-owned shares of Warner company stock to finance the persistent follow-up activities required to establish talking pictures as the standard for the industry. By the fall of 1928, when they were ready to reap rewards of their pioneering activities, the company occupied a strategic position in the industry as the one which possessed the equipment and technology needed to supply the market. In order to have ready outlets for its pictures and to solidify its position in the film industry, the company decided to acquire theatres. At the same time, added studio facilities were secured. The company's expansion program, which began in the fall of 1928, had been completed by the beginning of 1931. The financing of the company's expansion resulted in the following additions to its capital structure:

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| | |
|---|---|
| Optional 6% Convertible Debentures, Series due 1939 ..... | $44,064,500 |
| Underlying mortgages, notes payable and other funded debt, including debt of subsidiaries acquired ..... | 65,000,000 |
| Common Stock ..... | 2,066,996 shares [a] |
| Preferred Stock ..... | 785,603 shares [b] |

[a] These figures give effect to the stock split-up of June 27, 1929 when the company issued two shares of new common in exchange for each share of old common stock then outstanding.

[b] Subsequently 682,496 shares of preferred stock were converted into 600,597 shares of common stock.

Data cited in *A Financial Review and Brief History (of Warner Bros. Pictures, Inc.)* (New York, 1946).

Theatre and studio expansion, and service subsidiaries, account in the main for the spectacular rise in assets from $5 million in 1925 to $167 million in 1929.

During the experimental period covered by the two 1926 statements (the fiscal year was changed to coincide with the motion picture season) and the 1927 statement, there were net operating losses totaling $1½ million. Warner accountants were just beginning to use black ink again as the 1927 statement was compiled. The statement for 1928 was fairly modest, but the earnings for 1929 reached a total of $14½ million. The momentum of earnings due to the company's pioneering in the new technology carried over into 1930, the year after the stock market crash, with earnings of $7 million. Then followed four years of general business depression, with $30 million in operating losses for the expanded Warner company; but the structure had been well built and it survived without " going through the wringer " of bankruptcy or reorganization. Profits began to appear again in 1935. Statements for 1937 through 1944, data from which are omitted here for the sake of brevity, reported earnings averaging $5 million annually.

Part of the entrepreneurial reward for introducing the sound motion picture is concealed in that abbreviated table—lumped in with other items. Certainly the spectacular growth of the company in the late 1920's received its main impetus from pioneer adoption of talking picture technology. The table does not indicate " ploughing back " and " streamlining " activities which reduced the company's total debt from a high point of $113 million in 1931 to a current total of $21.6 million.

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The interaction between the general business cycle and the oscillations of Warner company earnings is cited for whatever bearing it may have on the subject of this study. Naturally business men are more likely to take risks on a rising market. The upward trend helped to finance the introduction of sound, but the precipitate drop into the worst depression in history was a decided handicap when the Warners had just begun to consolidate their entrepreneurial gains. It seems fair to conclude that the incidence of the cycle does not fundamentally alter the picture of the rôle of the entrepreneur in this case.

There has been no intention in this survey to minimize the importance of scientists, inventors, engineers, studio artists and technicians; but the emphasis is on the entrepreneur. It seems clear that Warner Brothers played the key rôle in introducing commercially successful sound motion pictures to the public. In the face of indifference or actual hostility on the part of the silent film industry, they risked their own capital in the venture. They contributed their industrial "know-how" and their knowledge of the market. They organized creative workers and technicians into producing units, provided tools and work places; then they shaped the product to their estimate of the requirements of a market they hoped to develop. Their final contribution was to stimulate public demand for the new product so they could supply that demand.

In short, they were entrepreneurs. By undertaking to bring sound motion pictures out of the laboratory into the theatre, they faced uncertainty in the best tradition of economic theory from Cantillon to Sombart. The results of their activity were decidedly incalculable. Thus they lived up to important criteria mentioned by Maurice Dobb in the *Encyclopedia of the Social Sciences.*

In their entrepreneurial activity, the four brothers adopted the functional specialization of which Werner Sombart wrote. Sam and Jack Warner were the production experts, Albert Warner was the merchant who specialized in the film market and Harry Warner was the financier whose milieu was the capital market. To paraphrase Sombart, they vitalized the new

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technology in many ways. They conquered obstacles and had the courage to take great risks. They organized many individuals in a common and effective endeavor. They consulted with one another in anticipating future demand. Collectively, they manifested the "daring decision, intuitive judgment and instinctive grasp of a situation" which Sombart mentioned as components of the entrepreneurial spirit. They were reckless and aggressive in attaining their ends. The family tie served to make them act more closely in concert, thus pointing up the pattern of entrepreneurial activity which they followed.

To a student of interrelationships of business and technology, it is interesting to find more pertinent theoretical comment on the entrepreneur in the article on "Capitalism" than in the one on the "Entrepreneur". Perhaps this can be taken as a measure of the continuing importance which Werner Sombart attached to the entrepreneur in the mature capitalism which he knew. "If modern economic rationalism is like the mechanism of a clock," he wrote at one point in the article cited, "someone must be there to wind it up."

At another point Sombart wrote that Americans "place a particularly high value upon personality in economic life, considering that in the last analysis it is the individual rather than the business enterprise, family or capital that is the driving force." This attitude goes back to the tradition of the American frontier, which bred individualists. But these individualists coöperated at barn raisings and organized for mutual protection under a democratic government. Our modern technological frontiers differ from the old land frontier chiefly in that they require large-scale financing and organization.

The example being studied here suggests the need for further examination of the entrepreneur as an economic concept, especially on new frontiers such as radio, television, plastics, atomic power and others to be opened in the future. As Frederick Jackson Turner reported in "The Significance of the Frontier in American History"[6]—he was, of course, speaking of the land frontier—"each frontier did indeed furnish a new

[6] Paper read before the American Historical Association in 1893, published in *The Frontier in American History* (New York, 1920).

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field of opportunity." That is equally true of technological frontiers in a free society.

Perhaps the concept of the entrepreneur will have to be enlarged or modified to take in new conditions, such as the growth of corporations, various rigidities in our economy and the increasing areas of government activity. The theorists have a job cut out for them here. For example, where does a government-financed Henry Kaiser fit in? What about the entrepreneurial function in the Tennessee Valley Authority or the $2 billion expenditure which President Roosevelt risked on the atom bomb? Although these questions take us outside the scope of this paper, eventually they will have to be faced by economists—or shall we say political economists?

The purpose of this essay is to compare or contrast the rôle played by the Warners, in this case, with the entrepreneurial rôle as described in economic theory. The example coincides well with the generalized concept of the entrepreneur accepted by economists. In this instance, there was sufficient freedom of enterprise to permit a small company led by executives imbued with the entrepreneurial spirit to break away from the established pattern of the silent motion picture industry. They took the new laboratory technique, merged it with the familiar art and technique of the silent film studios and thus produced commercially successful sound motion pictures. It was the movie-goers who, given freedom of choice, influenced the direction of technological change.

In this instance there had been ease of entry into the industry itself. The principals therefore had an opportunity over the years to assimilate industry "know-how" by a process of trial and error. They gained access to raw materials, personnel and markets. At first capital accumulation was a slow process. In the early 1920's, financing still was a precarious adventure. It was not until they had the new technology well in hand that they really gained access to the capital market. These various steps, sometimes taken more or less for granted, become increasingly difficult as an economy becomes more rigid. On a technological frontier in a relatively flexible economy, however, they are still possible. Certainly it should be a continuing

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goal of government and business policy to keep the economy flexible enough to give full scope to the creative energies of the American people and to satisfy the effective demands of American consumers.

It seems fair to deduce from the foregoing that there is still validity in the theory of the entrepreneur as formulated and reported by Walker, Clark, Dobb, Sombart and others. At least we may hope that, within the framework of organization (whether industrial or governmental-industrial), human initiative will be given an opportunity to function freely as we face the uncertainties of the future.*

JOEL SWENSEN

STAMFORD, CONN.

* Professor John Maurice Clark of Columbia University and Dr. Murray Ross, economist of the International Bank for Reconstruction and Development, gave helpful criticism of this article.

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# REVIEWS

*The Spanish Story.* By HERBERT FEIS. New York, Alfred A. Knopf, 1948.—x, 282, vi pp. $3.50.

The author of this book was chairman of the Iberian Peninsula Operating Committee (I.P.O.C.), a group recruited in early 1942 from the State Department, the Board of Economic Warfare, and the United States Commercial Corporation. Its task was to coördinate our wartime economic relations with Spain and Portugal. Having previously served for eleven years as State Department Adviser on International Economic Affairs, Mr. Feis has an excellent inside view of the interests and purposes that animated our dealings with Spain; hence he can write authoritatively about them. His book, however, is subtitled *Franco and the Nations at War* and is presented as nothing less than a monograph on Spanish foreign relations from 1939 to 1944. It would be an exaggeration to say that he has done the research requisite to a study of such dimensions; the materials needed for it, indeed, are not available. The reader, therefore, should discriminate carefully between the passages that contain solid historical matter and those which merely give expression to the author's unfriendly feeling toward the Franco régime.

The history of our relations with Spain during these years is an inglorious record of confusion and cross-purposes, of ill will and duplicity, of ignorance and political cowardice at Washington—all combining to frustrate the work of two intelligent and courageous ambassadors to Madrid, Alexander Weddell and Carlton Hayes. Despite the aid given by the Axis Powers to Franco during the civil war, in 1939 "the simple law of need cut across the kinship of the conniving dictators" and the Spanish government turned to the Western Powers for economic assistance. Count Jordana and his successor (July 1939) in the Foreign Office, Juan Beigbeder, desired to withdraw Spain from dependence on Germany and Italy, and when war came they were resolute for a strict neutrality. Franco himself was angered by Hitler's treaty with the U.S.S.R. and disapproved the attack on Poland. Spain had no alliance with Germany, the Pact of Friendship (signed in March and ratified in November 1939) having obligated Madrid to nothing more than benevolent neutrality;



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and until the fall of France the drift of policy was actually away from Berlin. The British saw no advantage in repelling Spain's overtures, but Washington was cold and suspicious. "The State Department", says Mr. Feis, "abstained from attempts to foster American trade with Spain by negotiating a trade agreement. The traffic was unpopular." In May 1940, when the German armies burst into the Low Countries and France, even the pro-Nazi Serrano Suñer, Minister of the Interior and chief of the Falange, was so alarmed that he suddenly agreed to accelerate the return of the Madrid branch of the International Telephone and Telegraph Company to its American proprietors; and Foreign Minister Beigbeder pleaded for American credits, but Mr. Feis says that "to all except a few of the officials concerned, the idea of helping Franco was unpleasant—to be avoided if possible." Some State Department officials (their names are not given) "would not grant aid, no matter what the consequences. . . . But all agreed that until the situation was clearer, it was wise to hold out hope that we might take care of Spanish needs." Hence, as the Germans raced toward Paris, Ambassador Weddell hastened back to Madrid with "as tangled a ditty of yeses and noes as puzzled group talent could produce." By the time the American answer was given, however, Franco was not interested in hearing it; from victorious Germany Spain would supply her needs. Franco might even then have made a war alliance with Hitler, had the latter not believed that such a step would complicate his relations with Vichy France and obstruct his efforts to negotiate a settlement with Britain.

In this critical hour we began, at Britain's request, to sober the heads of Spanish interventionists by pinching the flow of oil on which the reconstruction of their battered economy depended. By the end of July, Beigbeder was able to assure Weddell that Spain had no thought of going to war unless she was attacked, that the danger of making an alliance with Germany had passed. The I.T.T. agreement, which Serrano Suñer had prudently repudiated as the Germans were marching to the Pyrenees, was carried out. "We are still left to guess", writes Mr. Feis, "at the thoughts that made Franco's bargaining mind go around, made it give in for oil." But this seems hardly mysterious: Hitler did not then desire Spanish belligerency, and Franco wanted oil that Hitler was unable to supply. Moreover, the Caudillo, who always took a pragmatic and coldly military view of the international scene, preferred to remain on the side lines until he knew the outcome of the Battle of Britain. During the early stages of that historic engagement, Spain renewed her solicitation for

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large American credits, and Weddell advised Washington to give a favorable answer. The British too approved, but State Department counsels were divided, and the discussion was "tinged with the knowledge of the general American loathing for the Spanish regime." Our response was a vague promise of help if Spain would make a public declaration of her determination to remain at peace, although at that moment Serrano Suñer was negotiating for Franco (behind Beigbeder's back) with a Hitler who now wished for the Spanish military alliance! Pleading for support, Beigbeder on October 3 told Weddell that Roosevelt could change the policy of Spain and the history of Europe by a telegram announcing that American wheat would be supplied to Spain. But Secretary Hull "still found it hard to believe that Franco's Spain—once fed—would not strike at Britain if her defenses failed. . . . The whole tenor of the American press showed that if this government granted a loan, and that if Spain later entered the war, those who made the mistake would not long remain in office." Nothing more than a grudging and provisional offer of Red Cross aid could be elicited from Washington. This seems to have been the cause of Franco's removal of Beigbeder and appointment of Serrano Suñer to the Foreign Office on October 15. The latter was to try for nearly two years to arrange a political and military marriage between Spain and the Nazi Reich.

It is greatly to the credit of Mr. Feis that he does not misconstrue the tendentious diplomatic documents which the State Department in 1946 published to show how the Spanish government compromised itself with Germany. The story is not of an alliance but of the failure to make an alliance, despite strong desires for it on both sides. Hitler could not or would not make the territorial commitments that the Spaniards demanded—with increasing firmness as the Battle of Britain turned against the Reich—and Serrano Suñer could not bring himself to cede a base in the Canary Islands to Germany, or to jeopardize the independence of his country in any other way. Not even this Falangist fanatic could be tempted to merge Spain in Hitler's *Europa Germanica*. Despite the Franco-Hitler Pact of Hendaye (October 23, 1940) and the resultant joint German-Spanish planning of "Operation Felix" to capture Gibraltar and close the Mediterranean to the British fleet, Franco—to the enraging of Hitler—could never be persuaded to fix a date for the action to commence. The Spanish strategy of indefinite delay and the exigencies of Germany's plan for war against Russia forced the abandonment of Operation Felix in February 1941, although a pretended threat was so

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well kept up that during the spring certain influential American newspapers were sure that an Axis attack on Gibraltar was imminent. " These were the thoughts ", says Mr. Feis, " that the German government wished us to think." But General Franco, with the object lesson of Mussolini before his eyes, had no mind to go to war with Britain the while the German armies marched eastward; he gave them his blessing and despatched a token army to fight communism but, for the independence and well-being of his country, chose to import instead of to make war.

During this period and down to the early months of 1942, it can hardly be said that the United States had a policy in Spain. We followed the lead of the British, whose political strategy was to make peace attractive to Spain by conferring or threatening to withhold the material benefits of peace; but we followed reluctantly, and with a disposition to sabotage the British policy from sheer ill will toward the Franco régime. This spirit was strong in the Treasury Department, which was constantly at odds with the State Department, while the latter itself was torn by conflicting opinions on Spain. After Pearl Harbor and the creation of the B.E.W. and numerous other new agencies, confusion became confounded; so that not until the I.P.O.C. was created and Roosevelt had sent Carlton Hayes to Madrid, did a positive American policy begin to take shape.

By that time the main problem was not how to prevent Spain from joining Germany, although that must certainly have come to the front again if the Germans won in the East; the main problem was how to substitute Allied for German political influence in Spain and thus deprive Germany of access to Iberian materials for war. An enormous program of preclusive buying was launched, and what may be called the Hayes policy appeared. It was an independent American initiative to enlist the Spaniards in coöperation with the United States government along positive lines of mutual interest. Such a policy harmonized to a certain extent with British views, since it was inspired by prudent political and military considerations; but it was deeply disapproved by those officials in the I.P.O.C. who " were in their own way wrestling with the question that has haunted the Allied nations ever since." These men (whose names are not mentioned) were evidently bent on overthrowing " fascism " in Spain as well as Germany, and " they felt that they, not Hayes, were the true custodians of our Spanish policy and programs." Mr. Feis seems to have shared their views and in his book he omits no opportunity to depreciate Ambassador Hayes's judgments and actions. A

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vindictive zeal carries him even to the length of sneering at the value of Hayes's success in 1944 in winning the Spanish government to an agreement for closing Germany's access to Spanish wolfram, although this had been one of the great purposes of the I.P.O.C. and Hayes himself had taken the initiative in proposing oil sanctions as a means to force the Spaniards to comply with our request. In that diplomatic campaign the British gave no support because they did not regard the suppression of the wolfram trade as worth the risk of driving Spain into the arms of Germany; they preferred to continue their policy of bribing appeasement; moreover, they resented a positive and independent American policy in what they considered a sphere of British interest. The disagreement was not only deep but dangerous: it nearly separated the Allies on the eve of the Normandy offensive! The Spaniards naturally took advantage of the division and held out for a compromise which the British deemed acceptable and Hayes believed to contain the substance of what we sought. But because it sugared the pill for Spain it was accepted with ill grace at Washington, and Secretary Hull did not announce it as a triumph of American diplomacy at Madrid but as a concession to the views of our British ally. "There was no outflow of warm satisfaction either from the public or in the press. Rather a sense of a job half done. But the moving reason was probably deeper and beyond this dispute over wartime trade. Was it not the knowledge that the crisis had come and gone, and left the 'Spanish problem,' not the wolfram problem, unresolved? Germany and Italy would fall, but Franco would stand, his past behind him. He would remain part of our universe, an affront to our sense of justice."

These words are a few of the many which illustrate a spirit of exasperation that pervades and, unhappily, disfigures Mr. Feis's book. He ardently believed that the overthrow of the Franco government was a proper American war aim. But why should so experienced a State Department official have been so obsessed? It is easy to understand his sharing the wartime apprehensions of Spanish belligerency, which might well have been fatal to Great Britain and ruinous to the interests of the United States. But he now knows and in his book he demonstrates that the Franco government was never a manageable satellite of Berlin. In one pregnant passage he puts his finger on the most important fact in the whole history of the Allies' relations with Spain: "They counted too little upon the Spanish resolution to be independent and to stay out of the war." To appreciate the spiritual attitudes and passions that inspired this resolution requires a historical

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understanding of Spain which Mr. Feis shows no sign of possessing. That is why his book would be better if he had limited himself to writing about the American government and Spain instead of venturing out into the broad and complex subject of "Franco and the Nations at War". Of the former subject there is much that the reader would like to know but cannot learn from what Mr. Feis has confined himself to telling. Why, for example, was it possible for the Treasury Department to exert so much influence in Spanish matters? Why did Roosevelt choose a distinguished historian and Catholic as his ambassador, and why was it that Hayes found stronger backing from the President than from the Secretary of State? To what extent did General Donovan and the O.S.S. affect the course of American action in Spain? What of the O.W.I.? These are but a few of the questions on which Mr. Feis ought to have been able to throw light. The reader is likely to close the book with the suspicion that the author knows less than he chooses to say about Spain, but more than he chooses to say about the forces and interests that shaped the American side of "the Spanish story".

Ross J. S. Hoffman

Fordham University

*The Disruption of American Democracy.* By Roy Franklin Nichols. New York, The Macmillan Company, 1948.—xviii, 612 pp. $7.50.

The Civil War, said Senator James M. Mason of Virginia, was "a war of sentiment and opinion by one form of society, against another form of society." Such was the verdict of a shrewd participant in the conflict, one who saw it as a struggle between an agrarian and an industrial order. But human beings are seldom ready to accept such a terse explanation of a great event, and from Sumter on historians have been perpetually examining and reëxamining the causes of the cataclysm that rent North and South asunder for four long and bloody years. Mr. Nichols has now made a notable contribution to these efforts in his study of the disruption of the Democratic party during the decade of the 1850's.

Nichols' argument, simply stated, runs as follows. The United States is not only a political federalism. It is a cultural federalism as well, with a history of rapid and uneven development, especially in the nineteenth century. There was "confusion in this growing state." This was in part due to divisive cultural influences (Nichols emphasizes five of these, which he identifies as "metropolitanism,

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territorialism, southernism, New Englandism, and antislaveryism" [p. 21]). The confusion was also caused in part by our cumbersome and ineffective political system, with its ever-recurring elections, its multifarious and divisive state organizations with their dominating local interests, and the lack of compact national party organizations through which political leaders could function to carry through broadly coöperative, nationalist programs; hence the disintegration of the party of Jefferson and Jackson, a disintegration that removed a vital balance wheel and was a material factor in precipitating the Civil War.

Such a thesis has much of inspiration, and the author rises to its challenge. In vigorous, trenchant phrases, their effect not infrequently heightened by striking metaphors and incisive characterizations, he portrays the decline and fall of a great party. It is partially the story of attempted adjustments and futile political maneuverings. Factionalism within such pivotal states as Pennsylvania, New York, Ohio and Illinois was a disintegrating influence. The Democracy's national organization was chronically weak, and the party suffered from an ever open and ever bleeding wound as a result of the devastating fight over Kansas. The story is not simply political, however. Mr. Nichols' research has led him into deeper quarries than those of surface politics, and as a result the reader gets some vivid conceptions of the great economic and social forces that motivated the political turmoil of the period. Here are the struggles of Vanderbilt, Collins, Sloo and others over steamship contracts, the powerful lobbies of the industrial interests and of the holders of wealth-producing patents, the often sinister machinations of the land speculators—forms of economic activity that all too often exerted a divisive and evil influence upon the party in power. The destructive effects of the panic of 1857 are duly recorded, as are the divisions that arose over western demands for river and harbor appropriations, and the lack of saving grace in Buchanan's fumbling foreign policy. Corruption was getting in its deadly work, and the Covode investigations of 1860 spread weakness and dismay among the faltering host. Even religious revivalism played its part, for it added to the tensions created by Republicanism and panic, and thus to the difficulties experienced by Democratic statesmen.

All in all, Mr. Nichols' book is an impressive picture of some of the most fundamental and chronic weaknesses in the American political and social structure. As such, it deserves the careful attention of every serious student of American history. It is also a book from

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which a much larger reading public could derive great value, for many of its lessons are applicable today; but its multiplicity of detail, even though enlivened by the author's vigorous style, is bound to repel the general reader and to decrease the number of those to whom it will surely bring enlightenment and inspiration.

GLYNDON G. VAN DEUSEN

THE UNIVERSITY OF ROCHESTER

*The Federalists: A Study in Administrative History.* By LEONARD D. WHITE. New York, The Macmillan Company, 1948.—xii, 538 pp. $6.00.

Recent years have witnessed so great an interest in the contributions of Thomas Jefferson to our national life that the American public has been, perhaps, in some danger of forgetting our debt to the Federalist party and its leaders in putting into operation the Constitution of 1787 and establishing our present government on firm and lasting foundations. In *The Federalists* Professor White has effectively reminded us of our debt to our first political party, although his book is not intended as a defense of Federalist principle or practice. It is rather a thorough and scholarly study, based upon original sources, of the administrative policies and practices which were worked out by the Federalists during their twelve years in office, many of which persisted well through the nineteenth century and some of which are still with us. Considering the importance of the years 1789-1801 in the development of a sound public administration under the new Constitution, it seems curious that some such comprehensive study in the administrative history of the period should not have appeared long ago. That it did not makes Professor White's book a very real contribution to our understanding of one of the crucial periods in our political history.

The Federalists, as the author points out, believed in government for the people by the "superior part of mankind", by which they meant men of property, education and native ability. Through the new federal government their leaders hoped to ensure domestic peace and order, reëstablish the public credit, encourage the development of a more balanced national economy by stimulating the manufacturing interest, protect the frontiers and keep the country out of foreign war. To attain these ends they advocated strong executive leadership, administrative energy, high standards in the selection and performance of government officials of all ranks, and, when and where necessary, an acceptance of the predominance of the nation over the

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states. In other words the Federalists wanted a federal administration possessed of the power and energy to guide the new nation along the lines they thought most desirable.

It is with the establishment and history of the administrative policies and machinery set up by the Federalists to carry out their ideas under the new Constitution that the author is primarily concerned. The determined effort to give the nation "An Efficient and Responsable Executive", the evolution of the Cabinet, the organization and operation of the great departments, the effort to induce Congress to accept administrative guidance, and the appearance of the inevitable departmental frictions, notably the Hamilton-Jefferson feud, are all treated in considerable detail and with a wealth of illustrative material. So, too, are the subjects of official salaries and tenure, public service ideals and practice, territorial government, communications problems as related to public administration and administrative housekeeping. In all of these topics due attention is given to historical background and the personalities involved, as well as to the success or failure of the policies and practices concerned. Nor is the Congressional and public reaction neglected, culminating as it did in the rise of a vigorous opposition party.

Much of the success of the Federalists, Professor White points out, was due to the quality of their leadership. Washington, as President, and as an efficient and conscientious administrator, looms large in the story; John Adams somewhat less so. Hamilton, of course, was a political genius of the first rank whose ideas and personality dominated Federalist policy and practice far beyond the confines of the Treasury Department. Timothy Pickering, Oliver Wolcott, Jr., and Benjamin Stoddert all possessed administrative ability of a high order. On the other hand Henry Knox and James McHenry in the War Department were disappointments, as were the several appointments to the Attorney Generalship. The problem of securing top-flight men for important posts seems to have weighed quite as heavily on Washington and Adams as upon some of our more recent presidents. In the humbler positions of the government service the high standards set by Federalist policy seem, in general, to have given the nation an unusually competent and loyal group of federal officials who played no small part in convincing the public of the strength and permanence of the new government.

In conclusion the author sums up and evaluates the achievements and failures of the Federalists. They could not escape, he adds, "the necessity of organizing the new government. They did it well. For twelve years they had the responsibility of managing national

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affairs. Here they had both impressive success and relative failure. Their ideals combined with an intuitive grasp of the administrative art, marked them as fit for their duties. They set new levels of achievement before a people still close to colonial dependence." So sound, indeed, was their work that "Under different leadership the machinery of government [moved] forward without a break."

For a study of this character *The Federalists,* except for a few of the more detailed chapters where illustrative material was scanty, proved unusually readable. The reader might possibly have benefited from a grouping of the forty chapters under four or five major headings. This would have made the organization of the material a bit more obvious. Serious criticism, however, would be hard to make. The author has done far too sound and thorough a job. As Professor White states in his Preface that this is the beginning of a "systematic study of American ideas about public administration", it is to be hoped that, in due time, further studies of like character will make their appearance. They will be welcomed.

W. R. WATERMAN

DARTMOUTH COLLEGE

*The United States and the Caribbean.* By DEXTER PERKINS. Cambridge, Harvard University Press, 1947.—xii, 253 pp. $3.00.

*The United States and South America: The Northern Republics.* By ARTHUR P. WHITAKER. Cambridge, Harvard University Press, 1948.—xix, 280 pp. $3.50.

The purpose of these volumes, like that of others in the series of which they form a part, is to provide the sovereign American citizen with a sound basis for forming opinions on matters of foreign policy, in this case, with regard to two Latin-American regions. Both are written by scholars of distinction in the field of American diplomatic history who have supplemented knowledge derived from libraries and archives by direct observation on the ground which they now survey for the general reader. Both provide basic information about the countries concerned (the Whitaker volume, which deals with a smaller number, somewhat more fully) and discuss the influence of factors such as race, population, production, commerce, religion and political institutions. They also present able and often stimulating brief accounts of the historical relations of the various countries with the United States. The acid test for books of this kind is whether or not they serve adequately to provide a background for spot news for the uninformed, or partially informed, reader who wonders, let us

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say, what the Bogotá uprising of last spring or the to-do over the Havana Trade Conference last winter were all about. Both volumes meet this test, though in different ways, and they deserve a place on library reference shelves and on those of all who have any pretension to being well posted on these aspects of our kaleidoscopic international relations.

Professor Perkins' book, in addition to being an acute, though necessarily summary, analysis of problems like monoculture, dictatorship and others, is a tract—an urbane, liberal and humanitarian tract—in support of a continuing Good Neighbor Policy. He urges strict adherence to the principle of nonintervention and condemns the nonrecognition policy followed by the United States in several recent instances as well as other aspects of "moral" intervention. Apparently he does not feel that American policy toward the Grau San Martín régime in Cuba in 1933 was "moral" intervention. In general his position is similar to that of Mr. Sumner Welles, the editor of this series. Convinced of the basic idealism of the American people, Professor Perkins urges them to live up to their opportunity to show that a great Power can deal with small and weak neighbors with helpfulness and self-restraint; behavior which is undoubtedly to their own interest in the long run. In the economic sphere, he feels that the necessary investment of foreign capital can be brought about if creole nationalism and left-wing anticapitalist agitation can be induced to face the facts of life and if foreign investors will take a broad view of their responsibilities for social progress. The final chapter is a broad appeal against ignorant prejudice both in the United States and among the peoples of the Caribbean.

Professor Whitaker has faced his task somewhat differently. The nations covered in his volume, the so-called "Bolivarian Republics", are less well known in this country than those of the Caribbean and perhaps for this reason he has found it desirable to focus attention not so much on what the policy of the United States ought to be, but rather on portraying the problems faced by these countries. To this reviewer's knowledge, this is the first attempt to deal broadly with this particular group of states. The author is cautious of overgeneralization, but he also gives stimulating insights into ways in which these nations fall into a common pattern. His book sets forth a much fuller account of wartime international relations, political and economic, than the companion volume does. Professor Whitaker's wartime activities—both official, in the Department of State, and private, as editor of the well-known series "Inter-American Affairs"

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(Columbia University Press, 1941-1945)—undoubtedly explain and justify this emphasis. Pre-war diplomatic relations with the United States are briefly handled, for, with the exception of the Panama Affair, they have been less intimate and on the whole less important than those with the countries of the Caribbean. The final part of the book, which deals with "Problems of Today and Tomorrow", is a masterful presentation of a thorny subject. The author gives his view of situations, but avoids any dogmatic conclusions. Indeed, he who could prescribe the answer to the problems of democracy, industrialization, mass education, rural and urban poverty and distress in these regions would need almost superhuman vision.

This reviewer would recommend to those who may have been carried away by the current tendency to overestimate the power of communism in Latin America the sane and realistic treatment of this question in both the volumes under notice. He would like also to call attention to Professor Whitaker's interesting discussion of "creole fascism", and to enter a *caveat* against throwing into that category régimes so different in origin and leadership as those of Argentina and Venezuela.

Both volumes have well-selected reading lists that indicate the progress that has been made in the past two decades in Hispanic-American studies in the United States. The suggestion, implicit in one book and explicit in the other, that something ought to be done to make it possible to keep up with developments in Latin America without spending a great deal of time with a great multiplicity of current publications, is one that will meet a sympathetic response from many, including this reviewer.

CHARLES C. GRIFFIN

VASSAR COLLEGE

*The United States in World Affairs, 1945-1947.* By JOHN C. CAMPBELL. With an Introduction by John Foster Dulles. Published for the Council on Foreign Relations by Harper and Brothers, New York and London, 1947.—xvi, 585 pp. $5.00.

Time was when state archives were not opened until some fifty years after the events with which they dealt had passed. But the circumstances of the First World War and, in America especially, the increased general interest in foreign policy, have led governments to be much more free, anxious sometimes, to make available state papers within a short time of their production.

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Not that the days of "open covenants, openly arrived at" are yet at hand or that the ever more blurred distinction between history and current events has been an unmixed blessing to the former. But, in any event, the possibility exists of obtaining far better knowledge and understanding of current foreign policy than used to be the case. Indeed it may be said that such a situation is essential to the proper functioning of any truly representative system where government is constantly responsible and accountable for its decisions.

To this state of affairs we owe the present volume. Resuming the annual survey of our foreign relations which the Council on Foreign Relations used to publish until war brought interruption to the practice, this book covers the period from the termination of hostilities in the summer of 1945 to the opening months of 1947. Much happened during this crowded time, and if the treatment of certain topics seems somewhat sketchy or superficial the fault lies with the subject rather than with the author. Within the compass of the space available we have an able account that fits the various pieces into a coherent whole where they assume their proper proportions while an exhaustive bibliography gives ample reference for more detailed study.

There would be little point in merely enumerating the various topics considered in this treatment which, in the nature of things, could not have a central thesis; in so far as there is a theme it is, as the author points out, the one made obvious by the events themselves, "the rivalry of America and Russia for world leadership" (p. xii). To this might have been added a characterization of the book as a study of the evolution of American policy in the context of this rivalry.

The poles of this evolution are marked by the contrast between the wartime honeymoon, culminating at Yalta, and (what seemed to many at the time) the brutal frankness of President Truman when he presented to Congress the original program for Greek and Turkish aid: "The United Nations. . .are not in a position to extend help of the kind that is required. . . .Totalitarian regimes imposed on free peoples. . .undermine the foundations of international peace and hence the security of the United States" (p. 479). War inevitably enhances the power of the executive, and the wartime policy of the United States was peculiarly President Roosevelt's own. It was inevitable that, with the cessation of fighting, the voice of Congress and the people should assert itself more loudly.

This points to the chief difficulties that face the operation of American foreign policy. The first derives from the fact that America

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has been catapulted with unprecedented suddenness into a position of dominant power and responsibility. At the top level of direction there has often been a dearth of adequate equipment, personnel and tradition to cope with the vastly increased burden. In addition, we are, however imperfectly, operating under a system of free speech and free elections. Two wars within a generation may have killed the naïve isolationism of the period before 1939, but it is a long step from that to the formation of an adequately enlightened public opinion.

The second difficulty is rooted in the same phenomenon of ultimate popular control. A government like that of the Soviet Union is not handicapped by the issue of expediency versus principle. Having aims, the certainty of which derives from doctrinaire approach, and a firm control of opinion at home, it operates on the simple assumption that the end justifies all means. This we cannot do, however, and the problem of how to fit practical compromise with principle highly proclaimed ever bedevils our politicians and statesmen; hence the weaknesses, gropings and inconsistencies of American policy. That policy was based initially on making the United Nations an effective organization. Like the Russians, we favored the veto, but, unlike them, we thought it should be used with extreme caution and in the last extremity. Having made bargains for the sake of agreement on the peace settlements, we were maneuvered into curbing the smaller Powers, the very opposite of what we really stood for. We sincerely advocate the relaxation of colonial rule, but the Pacific must be our unrestricted preserve. Examples could be multiplied. Palestine, which is not considered in this book, has provided another illustration of the unreconciled desires that move us as a nation.

Considering the magnitude of the stakes—peace—and of the task at hand—an enlightened opinion—this useful survey of the record of thirty months provides at the same time grounds for hope, if we are given time.

RENÉ ALBRECHT-CARRIÉ

BARNARD COLLEGE

*The Government of Canada.* By ROBERT MACGREGOR DAWSON. Toronto, The University of Toronto Press, 1947.—x, 662 pp. $5.50.

The study of Canadian government should receive a powerful impetus from Professor Dawson's volume, the most successful attempt yet made to write a comprehensive treatise on the subject.

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The difficulty in the undertaking, as Professor Dawson points out, lies chiefly in the paucity of monographic studies. This difficulty the author has partly overcome by his own extensive researches and by reliance on friends for suggestions and checking of facts. Even with this aid he has not felt it possible to deal, except incidentally, with provincial or local government.

Of the central institutions of Canadian government, however, Professor Dawson gives a very good account—synoptic, lucid and interesting. After a brief historical sketch, there are sections devoted to the contemporary constitution and its development, the executive, the administration, the legislature, the judiciary and political parties. These chapters combine historical background, legal basis and actual working of the institutions with which they deal. They bring the account down to the impact on Canada of the last war. They are almost models of good academic exposition.

In one important respect, it is true, the book does not go far enough into its theme. It is concerned too exclusively with the formal machinery of government. This is treated in a realistic spirit, as was said above, but with insufficient attention to the framework within which the machinery operates. We learn too little of the economic and social bases of government, of the dualism of races and religions, of the rôle of the churches, of sectionalism, of the nature of Canadian nationalism—in short, of the underlying forces that shape the way in which machinery works irrespective of the aspirations of statesmen or the clamor of politicians. About most of these matters, certainly, Professor Dawson says something, but only incidentally. There is no serious effort to convey the "spirit of the laws". If Professor Dawson refers back to *The American Commonwealth,* he will perhaps be moved to add to future editions of his excellent book chapters on such matters as Public Opinion and what Bryce called "Social Institutions".

Where he is dealing with government proper, the author goes beyond mere description to make numerous suggestions for improvement. Among these are the proposal that each party be given a public grant (based on its membership in the House of Commons) for financing research and allied services (pp. 449-450), the argument for a Bill of Rights (pp. 86 *et seq.*), the suggested establishment of a permanent office of Royal Commissioner to conduct inquiries (p. 489), the observations on the party caucus as an agency of representation (pp. 244-246), the remarks on the failure of private members to take advantage of their opportunities (pp. 444-447),

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and the suggestions concerning the better regulation of by-elections (pp. 385-386). Some of these have a wider application than to Canada alone.

The seven appendices contain the terms of the British North America Act of 1867 and of some of its amendments, including that of 1946. The index is good but there is no formal bibliography.

THOMAS P. PEARDON

BARNARD COLLEGE

*Confessions of a Congressman.* By JERRY VOORHIS. Garden City, Doubleday and Co., 1947.—365 pp. $3.50.

Although Jerry Voorhis was, with 531 others, a Congressman "at the crossroads", there is little doubt left in a reader's mind as to the turn the author took while he confesses. This little volume, in an informal and highly readable style, is the political career of one of those rarities on the horizon—a liberal who has a more or less clear conception of the rôle and responsibility of American progressiveness. Were that all, however, the book would have little more value than any other "apologia" of political life. Voorhis is a modern "philosophe", who, admittedly groping, is looking for fundamental principles in human behavior as they present themselves in democratic society.

Of perhaps greater significance than the author's account of his own vote, bill, law, and rationalization records is his series of chapters on the tasks of a Congressman. Well might he speak, for he was considered one of the hardest working and most conscientious of national lawmakers. He is no apologist for congressional logrolling or inefficiencies or conservatism (as he sees these), but he is honestly worried about the possibility of Congress slipping into second place behind the Executive while the Constitution mentions the national legislature first, for good historic reason. His views about reorganization form one of the strongest testimonials to Galloway's *Congress at the Crossroads* and in almost every conclusion Voorhis supports the LaFollette-Monroney proposals as based upon his personal—often frustrating—experiences.

Three points stand out in this reviewer's mind as worthy of particular attention. First, the author carefully, almost painfully, reiterates what students know and citizens should recognize, that the average Congressman is sincere, intelligent, well-meaning, and swamped by work, that very few are lobby-controlled though many are tradition-tied, and that each is honestly self-convinced that his way is the best for the nation. Second, Mr. Voorhis very thought-

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fully analyzes the American party scheme and concludes (with many scholars) that, ideal as it might be, total party responsibility and control would really mean twenty sectional and not two major national parties. And third, in an almost academic manner completely devoid of hysteria this ex-Congressman vividly illustrates the impossibility of a liberal-communist coalition in any form, while simultaneously indicating that liberal nonacceptance of Soviet political infiltration does not, indeed must not, mean progressive-reactionary juncture. Difficult, disappointing, disturbing as it may be, the liberal has a positive rôle to act in the American political scene, but must struggle constantly against both the radical Right and the radical Left to maintain that part.

As the book, this review is, perhaps unfortunately, biased, for the reviewer is largely in agreement with the author's points of view. Nevertheless this volume is of as real value to the student of legislative method and machinery as to the reader whose principal interest is in current American social philosophy, both as expressed by an active and courageous practitioner.

ROBERT W. BINKLEY, JR.

COLUMBIA COLLEGE

*The American People: A Study in National Character.* By GEOFFREY GORER. New York, W. W. Norton & Company, 1948.—246 pp. $3.00.

Mr. Gorer aims to apply some of the methods and insights of cultural anthropology and Freudian psychology to the study of the American national character. His analysis is in part as follows: The modern American population is in a large measure an immigrant population for which the assumption of American nationality has been a voluntary act. The immigrant father, who always fails to approximate the native ideal, is disdained, not emulated, by his children; he loses prestige and authority. Civic training and the study of history likewise offer a symbolic model of father-rejection to every American child, because the very root of national consciousness, the separation of the American colonies from England, was another violent instance of such a rejection. (Mr. Gorer ingeniously equates the Revolution with the tribal patricide of Freudian doctrine.) By virtue of this immigrant influence and the pattern of civic training, Americans have become constitutionally suspicious of all authority which is analogous to (or a psychological surrogate for) the authority of the father. The authority of the father himself has become

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vestigial in the American family. The mother, however, is dominant in the rearing of children; with her counterpart, the schoolmarm, she is the source of rules for moral conduct (which American males commonly experience as rules promulgated for the guidance of *others* and not too closely geared to the facts of the "real"—or business—world). The indulgent American mother leaves her child with a heightened (oral) dependence upon feminine guidance and care, which is reflected in American hypochondria and dietary obsessions, as well as in the exaggerated national fear of homosexuality. Because of the competitive aims of his parents, the American child is made to feel that he is loved not for himself but for his performances. He grows up to feel that love is not a bond of mutual affection, but a badge of approval. "Am I successful?" comes to mean "Am I loved?" In school he is subjected to a competitive system of grading; at home he enters into competition with his siblings. As an adult he is insatiable for signs of love and cannot bear to be alone. Friendship becomes, not a luxury, but a necessity.

It is a tribute to Mr. Gorer that this brief summary does not nearly exhaust his stimulating and imaginative interpretations. On many points—the popular need to have authority humanized and personalized, the nature of friendships in America, the national competitive mania, the fixation of the liberal mind on the past, the national attitude toward money—he seems sound and perceptive. And yet, original as his book is in hypotheses, and fertile as it is in specific insights, it is completely unsatisfying as a whole. He has used only enough data to illustrate his ideas, not to prove them even in a *prima facie* way, and one leaves the volume with a feeling of distrust.

One can verify what is peculiar to the United States only by a quantitative comparison of its traits with those of comparable Western cultures. Mr. Gorer's book is almost entirely lacking in a quantitative dimension. As for comparisons, he eschews them, partly, he says, "to minimize . . . the feeling of unfriendly criticism"—a courageous and laudable motive in a social scientist—and partly because he disclaims sufficient knowledge of his native England or any other European society "to make consistent comparisons." Among the other flaws of his method is the almost complete lack of reference to class differences—his only notable treatment of class comes when he points out that most Americans in all income groups verbally classify themselves as "middle class". Another is the frequent use of psychological concepts as though the psychic structure is the demiurge from which all other facts of society can be derived. And

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while the Oedipus pattern is presumably valuable in understanding American culture, one is never sure that Mr. Gorer has really established the specific native variations. One may ask, further, whether the study of national character has not reached a point at which the methods of social science have outmoded the impressionistic essay. Mr. Gorer does not *use* these methods, he merely refers to them.

Mr. Gorer makes several arbitrary assumptions. The paternal figure of Uncle Sam is not *always* employed as a forbidding and negative symbol, "neither loved nor respected." It is questionable that the high principles of the middle-aged clubwomen "are not easily deflected by propaganda" and that the predominance of lawyers in American political personnel is largely due to the national preconception with verbal (oral) skills. When Mr. Gorer says that the "typical American reaction of the child to the newborn baby is one of resentment," one wonders if he has measurable evidence that the attitude of the German, French or English child is notably different. (The concept of sibling-rivalry originated not in Middletown but in Vienna.) Is it merely his impression, or does he really *know* that the little sins of American boys—smoking cornsilk, robbing orchards, and sexual experimentation—are "not only tolerated but expected and praised by the adults"? On what basis does he infer that the "feminine component" in the personality of "every American man" is greater or more significant than the same component in the men of other nations? On what basis does he conclude that Henry Kaiser's relation to his employees can be more accurately described as fraternal than paternal? And when he says that "it is in the women's clubs that the future policy of America, and in so many ways the future of the world, is being decided," has not his sense of reality broken down altogether?

RICHARD HOFSTADTER

COLUMBIA UNIVERSITY

*Francis Lieber: Nineteenth-Century Liberal.* By FRANK FREIDEL. Baton Rouge, Louisiana State University Press, 1947.—xiii, 445 pp. $4.50.

It is pleasant for one who has long been a student of Francis Lieber to welcome the definitive biography of the German-American who did so much to develop political science as an academic subject in the United States and to influence political thinking in influential circles. Dr. Freidel has graciously recognized the labors of the many scholars who have interested themselves in Lieber, but he has gone

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far beyond all his predecessors in the thoroughness of his investigation and in the comprehensiveness of his synthesis. The Lieber manuscripts, scattered in several depositories, together with the collections of the public men with whom he was in touch, have been carefully exploited; and the biography further rests on an intelligent analysis of Lieber's publications and of their reception, both in this country and abroad, as well as on the monographic literature relevant to Lieber's manifold interests in gymnastics, statistics, philology, literary criticism, criminology, military and international law, and the dissemination of knowledge on the formal educational level and in encylopedia-making.

The book is written with due regard to the colorful, arduous and poignant aspects of Lieber's life. Here is a readable story of a scholar whose international circle included such figures as Niebuhr, Jahn, Schleiermacher, Bentham, Bluntschli, Story, Kent, Tocqueville, Longfellow, Sumner, Calhoun, Lincoln and Fish. Few American academicians and publicists have been so fortunate in having a biographer able at once to write with both sympathy and detachment and to appraise so justly.

"I know that my work", Lieber wrote in speaking of his *Political Ethics*, "belongs to the list which begins with Aristotle, and in which we find the names of Thomas More, Hobbes, Hugo Grotius, Puffendorf." Few who know Lieber's work at first hand or who read the chapters in Dr. Freidel's book which analyze the *Political Ethics*, *Legal and Political Hermeneutics*, *Property and Labour*, and *Civil Liberty and Self-Government* will accept Lieber's high opinion of himself. One would have liked to have Dr. Freidel's explicit judgment on this point; such a judgment would have involved a more elaborate and precise comparison of Lieber's contributions with those of his predecessors and contemporaries. To say this is not to say that Dr. Freidel has ignored the sources of Lieber's thought and the influence of his writing; he has clearly indicated that Lieber borrowed his empirical method from Niebuhr, that he was influenced by the historical institutionalists, including Burke, and that he owed a good deal to Story and Kent. An eclectic, Lieber, in accepting much from both the natural rights philosophy and the historical school, effected a compromise which put great emphasis on property, on the obligations of the individual, and on gradual rather than on abrupt change. His work glorified the system of checks and balances and constitutional limitations on both government and people. Lieber was a liberal, not in the contemporary sense of the term, but rather

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in his rejection of the political absolutism of the era after the French Revolution and in his acceptance of Manchesterian economics. Although he was something of a pioneer in taking into account relationships between cultural and social forces and political institutions, he did not understand the Industrial Revolution and failed to come to any workable terms with it.

In his exposition of nationalism, as in most other matters, Lieber adapted European categories of thought to American conditions and needs. Dr. Freidel's treatment of this subject is competent rather than original. His chapters on Lieber's rôle in the antislavery controversy, on his services as a propagandist for the Union during the Civil War and as an adviser of the Lincoln administration, both in civilian and military matters, add considerably to our knowledge and understanding of these subjects. So too does the fresh treatment of American academic life and problems, both at South Carolina College and at Columbia University. In short, *Francis Lieber: Nineteenth-Century Liberal* is certainly a book which, by reason of its scholarship, literary distinction, and contribution to an understanding of Americanism, merits the serious consideration of the committee on the Pulitzer Awards.

MERLE CURTI

UNIVERSITY OF WISCONSIN

*An Introduction to the History of Sociology.* Edited by HARRY ELMER BARNES. Chicago, The University of Chicago Press, 1948.—xvi, 960 pp. $10.00.

More specifically Professor Barnes's volume is presented as the history and status of systematic sociology, in contrast to the study of later sociology which approximates more nearly specialization in restricted fields of description and analysis. Its 960 pages comprise "the most comprehensive summary of systematic sociological writing in any language." Both in the arrangement and treatment and in the main purpose stated by the author there is often special emphasis upon the influence of the sociologists upon political policy and social reform. Political scientists may be especially interested in Professor Barnes's statement that it has been the contention of sociologists that the chief justification of sociology is the guidance it can furnish to public officials and private citizens for a better social order.

While it is not possible, of course, to review a book of this sort in a short space, it is profitable to point out the general nature and value of the volume, to call attention to certain specific qualities, and to give some general critical appraisal.

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There are six parts in addition to the historical introduction. Part two includes six pioneers of sociology: Comte, Spencer, Morgan, Sumner, Ward and Gumplowicz. Part three lists a baker's dozen leading sociologists in Germanic countries. These include: Wundt, Tönnies, Simmel, Von Wiese, Max and Alfred Weber, Sombart, Troeltsch, Oppenheimer, Freyer, Ratzenhofer, Spann and Ludwig Stein. In Part four, dealing with non-Germanic countries in Continental Europe, the book treats two Russian authors, Novicow and Kovalevsky, and the Spanish author Posada, in addition to Pareto and brief reference to four other Italian representatives. Professor Barnes gives a brief introductory note on French sociology preceding chapters on Fouillée, Tarde, Le Bon, Durkheim and De Greef. Part five treats the English sociologists since Spencer. Although Barnes asserts that there were only two outstanding sociologists in this group, namely, Hobhouse and Geddes, he has additional chapters on Kidd, Westermarck, Briffault, Graham Wallas, and Toynbee. In Part six on "Sociological Theory in America", he has chapters on Giddings, Small, Thomas, Stuckenberg, Ross, Cooley, Elwood, Hayes, Sorokin, and a final chapter on Mariano H. Cornejo written by L. L. Bernard who has specialized for many years in South American sociology.

Of the forty-seven chapters, Professor Barnes contributes twenty, in which, however, he has often leaned heavily on the assistance of others. Notable special chapters by others include Leslie A. White's chapter on Morgan and Alexander Goldenweiser's chapter on Wilhelm Wundt. Both of these are valuable documents but Morgan and Wundt would ordinarily be listed as specialists in the fields of cultural anthropology and cultural psychology. Rudolf Heberle has two chapters, on Tönnies and Simmel. J. Milton Yinger also has two chapters, on "The Systematic Sociology of von Wiese" and "The Sociology of Religion of Hoeltsch". Other authors include: Talcott Parsons, F. X. Sutton, Paul Honingsheim, Sigmund Neumann, Ernest Manheim, Robert Schmidt, Bartholomew Landheer, N. S. Timasheff, Augustin Guyau, Emile Benoit-Smullyan, Dorothy W. Douglas, W. Rex Crawford, Rex D. Hopper, C. Wright Mills, Huntington Cairns, Lewis Mumford, Clarence H. Northcott, William L. Kolb, Richard Dewey, Hans Speier.

An examination of this extraordinary array of authors and source material would seem to justify Professor Barnes's challenge that if one does not like this way of doing the job "he can produce a better book." This would be a difficult task and I suspect no one will undertake it for the present. Nevertheless, it is important to call attention to certain limitations of the book. In the first place, the

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author has a difficult task of defining sociology, and particularly in his brief introductory notes to the general character of sociology in each of the divisions Professor Barnes lists, rather indiscriminately and in a hurried doctrinaire fashion, an extraordinary mixed group of names. In American sociology, Edward T. Devine, S. M. Lindsay, Jane Addams, Graham Taylor, Edith Abbott, Mary Van Kleek, Mary E. Richmond, Paul Kellogg, and others are listed in the same category as R. M. MacIver, John L. Gillin, James Ford, and all classified as "social economists". This extraordinary conglomeration is not much more critical than his listing of several names in "biological sociology" and "psychological sociology" and his listing of Shotwell, Beard, Toynbee, and others of the historians. His introductory note on the English sociologists is similar in that the philosophers, anthropologists, psychologists are grouped together. There is considerable inconsistency in his characterization of French sociology as "sociologism" indicating that French sociology adopted the essentially objective methods of the physical sciences.

There are some detailed errors, almost inevitable in the listing of so many sources by so many different authors with the assistance of so many people. Chugerman's *Lester F. Ward* was published by the Duke University Press and not in New York; Giddings' *The Scientific Study of Human Society* was published at Chapel Hill and not Duke; there is very little recognition and use of Bernard's *Origins of American Sociology,* itself a valuable contribution of a different sort. Other limitations include much that is partisan and dogmatic in interpretation. Professor Barnes assumes that the systematic sociologists envisage primarily the consideration of cultural lag and/or social progress, yet neglects the major emphasis upon cultural process nor does he give adequate treatment to either theories of progress or cultural lag.

Nevertheless, I wish that every advanced student of social science, if we could find the time, be required to study this book in its entirety in order to give a broader base of information and prepare the way for a genuinely realistic, scientific study of society that would be neither afraid of new methods nor imitative of the natural sciences, on the one hand, and that would initiate an era of creative social science based upon both "factual" theory and "normative" theory.

HOWARD W. ODUM

THE UNIVERSITY OF NORTH CAROLINA

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*The Administrative State: A Study of the Political Theory of American Public Administration.* By DWIGHT WALDO. New York, The Ronald Press Company, 1948.—viii, 227 pp. $3.25.

*Freedom and the Administrative State.* By JOSEPH ROSENFARB. New York and London, Harper and Brothers, 1948.—xiii, 274 pp. $4.00.

The similarity in the title of these two books is misleading. The contents of each are quite different. As the subtitle of Professor Waldo's little book indicates, he is concerned with what he calls the "political theory" of the public administration movement in the United States. For Mr. Rosenfarb the "Administrative State" is the "Welfare State", or the "Planning State"; it is the modern state positively concerned to promote the economic well-being of its citizens. If the gulf between the "efficient state" and "welfare state" is today scarcely visible, yet in approach and treatment the two authors are far apart.

Mr. Rosenfarb is an intelligent, broad-visioned lawyer. After ten years on the legal staff of the National Labor Relations Board, he has turned to labor arbitration work in New York City. In the meantime he has set down some general reflections on government which his service with the N.L.R.B. and his catholic curiosity have apparently prompted. His thesis is explicitly set forth in the introduction: "that an economy in which continuous planning is essential is inherent in our economic system, and that a managed economy founded on private enterprise, and democratically controlled, should be America's contribution to modern statecraft and social systems" (p. x).

This is a moderate, non-doctrinaire, and indigenous point of view. Many persons no doubt share this same belief—and aspiration. But Mr. Rosenfarb adds little to our knowledge about the ways and means of realizing so noble an aim. Book One, "The Genesis and Evolution of the Administrative State", is a broad and general summary of the social, psychological, economic and theoretical reasons why some degree of purposeful direction of our economy through the institution of government has now become indispensable in the United States. He suggests an inventory and planning of national needs through a Public Requirements Board, the inventory and planning of resources and production facilities through a Resources Inventory Board, and the planning and supervision of production through a Production Planning board; but the details of such possible

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operations are not set forth, other than the author's prescription of price and wage controls, the "avoidance of strikes", and a "revitalized antimonopoly enforcement campaign." While Mr. Rosenfarb expresses his personal distrust in "deficit spending", few persons will find either his summary of alternatives or his own proposals very satisfying.

Book Two expresses the author's conviction that our traditional cultural, civil, and even limited property liberties can be preserved in the "Administrative State". In Book Three Mr. Rosenfarb digresses to discuss America's post-war experience with labor disputes. He acknowledges that "an industry-wide strike in any of the basic production or communication industries is of national import in its consequences" (p. 147). Asserting that the strike weapon "is becoming obsolescent in a modern economy" (p. 149), the author seems to advocate compulsory arbitration (pp. 155 and 237). Book Four deals with "Law and Government in the Administrative State". Here Mr. Rosenfarb expresses his admiration for the British system of cabinet government and asserts that unless we "undertake drastic measures" to resolve executive-legislative conflict "our democracy and our survival might be endangered" (p. 217). Accordingly he insists "we should follow the British example" (p. 223). As desirable administrative reforms he urges that cabinet officers should be freed from administrative duties and that a Department of Government should be created to handle budget, personnel, and other matters. Such changes are sufficient in the author's eyes to insure a "free and democratic administrative state."

No one will gainsay the fundamental importance of Mr. Rosenfarb's subject. The author moreover has pointed to the major issues confronting American government today. If he has resolved them to his own satisfaction, few others will share his undoubted relief. Indeed, the very historical evidence he cites suggests that not "planning" but "muddling through" will be the basis of our governmental response to the terrifying challenges of our day.

The pragmatic approach to problems of government indeed might be called the thesis of Mr. Waldo's book. The so-called "public administration movement" in America has never had an historian; the practitioners and the investigators have been too occupied with their reorganizations and their gadgets to indulge in the luxury of looking backward. Now, however, it has acquired a philosopher, and a philosopher who begins by being historical.

Mr. Waldo has asked some embarrassing questions, and has made

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explicit some unacknowledged assumptions. He begins with the assertion that writers on public administration in this country have accepted "the inevitability and the desirability of the Great Society" (p. 4), and that they have faithfully reflected the mores of a Business Civilization. The gospel of American progressivism, he tells us, became efficiency, and "limitless faith" in Science and Scientific Methodology. These and other terms either already have meaning for the reader, or are expected to acquire content from the text itself.

In the second part of his book Professor Waldo sets forth his understanding of the "heavenly city of the twentieth-century public administrators." It is essentially an industrial and urban civilization, inspired by mechanical technique, moving toward "planning" and a "collectivist society" (p. 66) as it attempts to eliminate waste and enthrone the rational realization of the Good Life. What are the values of the Good Society? They are individualistic, materialistic, peaceful, egalitarian, democratic. The criterion of action, Mr. Waldo tells us, has been utilitarian, with a faith in "facts" as the answer to problems. The rulers in this society are the "administrators" and the "experts". To be sure, both are somehow expected also to be "democratically responsible" to the "people". The reconciliation of the administrative state and separation of powers has thus far eluded those writers on public administration who have essayed the task, as the author so clearly indicates. If the discussion of centralization versus decentralization is confusing, Mr. Waldo accurately reflects the writings he is analyzing. The terms lack definite meaning; how then can they clearly express conflicting values?

Thus far, through three quarters of his volume, Professor Waldo is informative and stimulating. He has suggested how much of American political thinking must be found in practice, and in the commentaries of men seeking to rationalize action. He has unquestionably contributed something new to the literature of political theory. In the last part, however, he forsakes the rôle of reporter and interpreter in order to indulge in the presently popular academic pastime of debating "scientific method". He begins by probing the meaning of "principles". He correctly points out that the term has been very loosely used by many writers, that some have revolted in favor of pure empiricism, and that others have sought new guides to action in terms of group behavior. Then Mr. Waldo turns to his own views on the meaning of science. He declares that "the established techniques of science are inapplicable to thinking

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and valuing human beings" (p. 181). Administration deals not with "what is" but with "what should be done". Administrative problems are essentially normative in character. In the end, Mr. Waldo sees writings of administration as primarily an exposition of "common sense". At least he adds the crumb of comfort that "scientific outlook" in the sense of a disposition to inquiry and a desire for precision may "sharpen" common sense, may make common sense "more sensible" (p. 191). The final discussion of efficiency follows the same trail to the conclusion that "the descriptive or objective notion of efficiency is valid and useful, but only within a framework of consciously held values" (p. 203).

This reviewer is by no means content with Mr. Waldo's escape from his formidable "scientific" impasse. The techniques of analyzing the phenomena of our physical universe or the processes of life are not just "inapplicable" to the study of man as a social being; they have failed thus far to contribute importantly to the comprehension or the rationalistic direction of human behavior. Indeed, the empirical method has led man primarily to the conquest of the physical world; it has advanced him little in the path of conquering the emotions, the motivations, the value judgments of man. We cannot even say with finality that the goal of man's study of himself is the rationalistic determination of social behavior, although this seems to be the basic assumption of the so-called social sciences.

Must we then turn only to "common sense", diluted by individual pretension to pseudo objectivity and precision? I believe not. The study of man is the study of man's values, especially as these values have found institutional expression. Neither is constant, neither exists in "pure" form, unaffected by environment or collision—acculturation as the anthropologist expresses it. Value judgments color man's study of values; but we have advanced a long way in identifying values, in comprehending them, in asserting them. The story of the public administration movement in America is one phase of our study of "the values men live by"; one phase of the effort to find guideposts to purposeful behavior. Is this not in itself an adequate framework for analyzing how far we have progressed in finding those guideposts in formal administrative groupings? And is not this the path for future endeavor?

JOHN D. MILLETT

COLUMBIA UNIVERSITY

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*Peace or Power.* By HAROLD BUTLER. London, Faber and Faber, Ltd., 1947; New York, The Macmillan Co., 1948.—269 pp. 15*s.*; $4.50.

A book as rich in wisdom and good sense as this one deserves a better title. The presence of power, when so arranged to prevent its abuse, is not incompatible with peace but, on the contrary, its complement and guarantee. That Sir Harold knows this to be true is manifest throughout the greater part of the book, yet it has not shielded him against lapses into loose and unfortunate phrasing. This, however, is a minor defect.

Here is an extraordinarily incisive analysis of the "collision" between "eastern and western ways of life" which has been agitating the world since the late war. Europe, homeland of the Western tradition, with its deep respect for the rights of the individual, has been menaced, not so much by the direct threat of the Soviet Union, as by the unfortunate heritages of the war: moral decline and economic instability, both the natural allies of totalitarianism. These conditions lend attraction to the Soviet way of life and it is only by creating better conditions that the attraction will diminish. During the first two years following the war much progress was made toward economic recovery, but nevertheless none of the Western states was able to pay its way. The fact that the United States recognized the need of assisting, as manifested in Secretary Marshall's proposals, is emphasized and praised in tones less measured than those of many American observers.

The complexities of the German problem, the solution of which is, in the author's opinion, the touchstone of peace, are laid bare. Sir Harold shares the French view as to the means of dealing with it, but he fails to lead the reader out of the morass which he describes with such clarity. There must be occupation for at least twenty years, even though no common occupation policy among the Powers is discernible and even though occupation is not conducive to the development of native German democracy. Germany must be reconstituted democratically along federal lines, but German economic rehabilitation cannot be achieved without a centralized administration. "The real question is . . . how Germany . . . can be ultimately integrated in a peaceful and prosperous Europe," but "there is no satisfactory answer to this question, unless . . . [a] revolution of the German mind takes place" (p. 108), for which there presently seems scant promise.

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As for eastern Europe, the author has a sensible and hopeful view. There the Slav *Mystique* has had great attractive power, but this, he believes, has been partially offset by sad experiences with Soviet liberating troops and the sternness of the new régimes. At all events, this "twilight" zone is subject to overlapping influences from East and West, and "is sufficiently imbued with western ideas to have some conception of the meaning of law and liberty and to prefer them to any form of arbitrary government" (p. 153). These countries need aid from the West as well as from the East. "The more sympathetically and the less ceremoniously it is furnished, the brighter will be the prospect for their relations with western Europe and for their becoming not a barrier but a bridge between it and the Soviet peoples" (p. 153).

There are excellent chapters on Russia, Great Britain, and the Commonwealth. The final chapter, "Peace or Power", is an eloquent appeal for tolerance, truth, justice and liberty. If there is no passion for these, if the moral code of Christianity is spurned, if in seeking to achieve new rights and securities men throw away the right to decide and pursue their own course of life, then, he concludes, "there can be no reconciliation of the conflicting motives now pulling society apart" (p. 262).

C. Grove Haines

School of Advanced International Studies
Washington, D. C.

*The Origins of Modern Russia.* By Jan Kucharzewski. New York, The Polish Institute of Arts and Sciences in America, 1948.—xxiii, 503 pp. $5.00.

In the current effort to understand modern Russia the learned testimony of a Polish scholar deserves particular attention. To the Polish public Kucharzewski is known by his seven-volume work: *Od bialego caratu do czerwonego* (*From White Tsardom to Red*), published 1923-1935. The present book is a one-volume abridgment in English. The English title unfortunately is rather misleading, for out of the many strands that have gone into the making of modern Russia Kucharzewski has selected only one thread, the continuity of the essential features of the Russian national character. He states at the outset that he has "concentrated above all on the phenomena which proved decisive for the future of Russia". According to him, the trait common to Russian life from Ivan Kalita

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to the present is, briefly stated, the combination of unlimited nihilism with unlimited despotism in a fervent belief in the cultural mission of Russia. In two introductory chapters the author traces this dominant feature through early Russian history, through the Russia of Nicholas I, and through Russian peasant society. Several chapters are devoted to a similar analysis of the Russian intelligentsia in the nineteenth century, to Chaadaiev, Herzen, Turgeniev, to Katkov, Dostoievskii and Plekhanov, but particularly to Bakunin, whom Kucharzewski considers a true forerunner of the Bolsheviks. In addition, the author deals at length with the Russian attitudes toward Poland, again finding the same traits.

It is obvious that Kucharzewski's book amounts to a powerful criticism of Russian life and thought. Although this is drawn from the writings of accredited foreigners, like the Frenchman Custine and Polish men of letters, or of Russian writers themselves, the author presses home their criticism in order to prove what he, as a Polish patriot and a man with first-hand knowledge, considers the realities of the Russian impact upon the West. This is a valid point.

On the other hand, American readers will find it hard to make friends with this book. The author presupposes a wider knowledge of Russian history than the average reader possesses. It is also never quite clear when he quotes—which he does extensively—and when he is speaking in his own right. The organization of his book, as of individual chapters, again leaves the reader uncertain. Finally, the text is marked by a distinct stylistic accent and a frequent infelicitous accumulation of abstractions, which make reading difficult. Two inaccuracies may also be listed in this context. The treaty of Hunkiar Skelessi was not an "attempt upon the independence of Turkey" (p. 116). And it seems doubtful whether one can speak so generally of Dostoievskii's "friendly feelings for Germany" (p. 272). Dostoievskii made some very bitter remarks about the German character.

The most serious objection, however, to be raised against this book (and so many of its kind) is one of method. The author tunnels his way through the successive layers of historical development searching exclusively for the "phenomena which proved decisive for the future of Russia". He thus started his work with certain unproved assumptions as to the essence of Russian history. As a result he lost perspective. He reads a purposefulness into the early phases of Russian history which seems hardly justified. His exclusive

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preoccupation with Russian history and particularly its antagonizing features also leads him to consider many features as peculiarly Russian, which in reality are also German or generally European. The idea of the exclusive universal humanity of the Russians, for instance, which Dostoievskii propagated can be found in Fichte's writings applied to the Germans, and, before him, in the revolutionary arrogance of the Jacobins. There are many other examples of ideas, events and traits which are less peculiarly Russian than the author would have us believe.

The foregoing is not meant to disparage the book. A student of Russian history can profitably use the analysis of Russian writers, which is penetrating and sometimes quite brilliant. It is a valuable source book and a stimulating guide to the realities of Russian life and thought. The author is a learned scholar who deserves a hearing in this country.

Theodore H. Von Laue

University of Pennsylvania

*Russia in Flux.* By Sir John Maynard. Edited and abridged by S. Haden Guest. New York, The Macmillan Company, 1948. —xviii, 564 pp. $6.50.

For an understanding of Russia in the last hundred years, this is the best book—in scope, understanding, breadth of treatment, and scholarly objectivity—that this reviewer has yet encountered. Furthermore, the style is easy though dignified, and although not intended for beginners, the book is sufficiently free from Russian terms to make it valuable to those who are not specialists in the field.

The author was one of those fortunate few who knew both the old Russia and the new. He visited Russia in 1895, and was present at the coronation of the last Tsar the following year. Although he spent much time in India, he continued his study of Russian thought and history, and again visited Russia in 1933, 1935 and 1937. Perhaps his knowledge of India aided his judgment of Russia; for, while Russia is essentially a European country, its standard of living was much more like that of the East. As he expressly states (p. 30), "we must begin by banishing from our thoughts all comparisons with the United States of America, with Britain, and with Western Europe." It is also possible that to one schooled in the British Raj the lack of parliamentary democracy in Russia was less shocking than to one familar only with the tight little isle.

This volume comprises two of Maynard's earlier works, slightly

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abridged: *Russia in Flux*, and *The Russian Peasant and Other Studies*. It has been brought more up to date by the inclusion of comments and conclusions respecting certain lessons of World War II.

The author has little to say about foreign policy or war, except as they affect Russian life. He had properly oriented his study upon the agrarian problem; the chapters on the pre-Revolutionary peasantry, and on the peasants after 1917, are among his best. Above all he indicates the surprising continuity of peasant life, observing that 1917 brought little change in peasant ways, and that the collectivization of agriculture was the real revolution. Even here he sees continuity, for the democracy of the *mir* was replaced by the meeting of the collective. What was new was the greater dignity of the individual, as well as the direct payments to women and younger workers, instead of to the head of the family. Unfortunately, however, the yields of Russian agriculture remain low, so that much remains to be done.

Another major theme is the intellectual movements that culminated in Lenin's Bolshevism; for, while from Marxism came the concept that man is master of his history, the Populists stressed the peasant, and from Bakunin came the belief in rigid revolutionary discipline. The latter principle helped make invincible the Communists of 1917, but did not prevent intra-party strife, as the inexperienced Communists groped for the right solutions. Maynard has a convincing account of the long struggle between Stalin and the opposition in the twenties, which preceded the purges of 1936-38. The author holds that "the Soviet government did not lose the support of the masses. . .for the masses believed that the punishments were deserved: as—in general—they probably were" (p. 293).

Maynard's last chapter deals with the effect of collectivism upon personality, which, he feels, has on the whole not been bad. At the lowest level the majority of the citizens enjoys remarkable freedom to criticize; and although he deplores the strait jacket upon the arts, the buoyancy and enthusiasm of Soviet youth are in refreshing contrast to "the boredom which was forever on the lips and in the yawns of the young people" before the Revolution. Maynard believes that the Russians will not become obsessed by dogma, but rather will be kept sane by "the broad Slavonic nature." Indeed, "fate gave to this people a great inheritance; and they have learned to believe they can dominate it" (p. 529). The future will tell whether this judgment is a sound one.

JOHN SHELTON CURTISS

NEW YORK CITY

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*Theorie und Praxis der modernen Einkommenbesteuerung.* By Fritz Neumark. Bern, Verlag A. Francke, 1947.—456 pp. S. fr. 35.—.

From his post at the University of Istanbul, Dr. Neumark has taken the world for his province—the world of the modern income tax. Following a presentation and critique of income tax theory, which occupies the first third of the book, Dr. Neumark describes the income tax law as it exists at present and as it has developed over the past few decades in Great Britain, Germany, France, the United States, and, in the concluding chapter, Italy, Switzerland and Turkey. The result is a scholarly work without parallel in recent public finance literature; no other important tax has been given the comprehensive treatment that is accorded the income tax in this volume.

The book is skillfully organized, and clearly written. The range of the author's reading, as shown by the references to European and American sources, is astonishing. Moreover, the references are selective; it appears that the reader who wishes to follow up the leads Dr. Neumark gives him will not in general be disappointed. For the American student, the numerous references to recent French, Belgian, Dutch and Swiss writings and to analyses in Germany and Italy before World War II should prove especially helpful.

Since the volume is necessarily so largely a survey of what others have been thinking and doing, there is not much room for systematic development of the author's own views; but his own conclusions are usually stated quite explicitly, with at least a minimum amount of supporting evidence and reasoning. The quality of this reasoning is consistently high, but the scope of the book does not give the author time to dig deeply enough into any one problem to justify a complex chain of argument. Accuracy, clarity and a notable sense of proportion, rather than new insights, are what the author has to offer, and to a high degree.

In the first part of the book, strands of thought and to some extent of legislation from the chief income-taxing countries are combined to present the general characteristics of modern income taxation (chs. 2 and 4), concepts of taxable income (ch. 3), the means by which the income tax has been tailored to fit current standards of ability to pay (ch. 5), the fiscal significance of the tax in modern states, and its uses for nonfiscal ends (ch. 6), the administrative problems encountered in the various countries (ch. 7), the relations between income taxation and business fluctuations (ch. 8), and some

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discussion of shifting and incidence (ch. 9). The great virtue of these chapters, especially chapters 2-7, is the continual comparison of the income tax systems of the several countries with respect to the issue under analysis. This degree of international comparison of the modern income tax, topic by topic, is not available anywhere else.

In Part Two, the remarkable feature is the degree of detail with which Professor Neumark describes the income tax systems of Germany, Great Britain, France and the United States. The chapter on the United States tax, for instance, runs to nearly 50 closely printed pages, and there are no waste words. The excellent organization of the material, and the author's awareness of the issues underlying each major feature of the tax law, prevent it from becoming a mere condensed sort of tax handbook. There are limits, however, to the understanding of complex provisions that can be gained by anyone who is not on the ground to inquire and digest more at leisure, and in the section on capital gains and losses (pp. 348-49) the reader is not given a clear picture of the treatment of long-term capital gains, with its 25 per cent ceiling rate, and the granting of half the combined normal and surtax rate at levels below that at which the ceiling applies. Sometimes, too, the provision of the law is stated literally without the interpretation needed if the reader is to understand what it is all about; thus the definition of "net" capital gain and loss makes sense only in connection with the loss carry-forward provisions; "*fiktiven Veräusserungen*" seems an inadequate translation of "wash sales"; and the reader might mistakenly infer, from the description of the 1934 law, that an entirely separate rate scale applied to capital gains. Instances such as these are however very rare; a close reading of the chapter reveals a high degree of technical skill in understanding and describing the characteristics of the United States income tax. Again, the description is given added significance by the frequent comparisons with practice in other countries.

This is a rich book, indispensable for the public finance student who is specializing in income taxation, and helpful to public finance students in general. His co-workers in the field owe Dr. Neumark a debt of gratitude for daring to undertake and for carrying to completion a task the difficulty of which might well have deterred anyone.

CARL S. SHOUP

COLUMBIA UNIVERSITY

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*The British Post Office: A History.* By Howard Robinson. Princeton, Princeton University Press, 1948.—xvii, 467 pp. $7.50.

Professor Robinson of Oberlin College has done a valuable service by delineating, in systematic, comprehensive and scholarly fashion, a historical development which had hitherto been cluttered up with antiquarianism, legend and personal controversy. By working his way critically through the great mass of printed source materials (most notably the *Calendars of State Papers* and the *Parliamentary Papers*), he is able to bring both greater perspective and far greater knowledge to bear upon the heterogeneous library of secondary accounts, practically all of which are partial, foreshortened, or polemical when they are not merely philatelic or quaint. In footnote after footnote Robinson quietly and judiciously disposes of the errors and misconceptions of his predecessors. In addition, he dots all the *i*'s and crosses all the *t*'s of his own scholarship.

In some senses what chiefly emerges from this book is a neat deflation of the enormous fame which Sir Rowland Hill (and his family) assiduously created for himself during two generations after 1837. Commerce and industry were transforming Henry VIII's Posts into a public service (with Thomas Witherings' assistance) before the Civil War; the first statutory regulation of a post office for the British Isles as a whole was Cromwellian; postmarks came soon after the Restoration; William Dockwra began the London Penny Post in 1680; and Ralph Allen's farm of all the byroad and crossroad letters which spun an efficient web of post routes over England and Wales lasted from 1720 to 1764. When one adds John Palmer's mail coaches and improved roads after 1784, the rising tide of middle-class reformism after 1815, and the unremitting attacks and suggestions of Robert Wallace in Parliament after 1832, Hill appears as a cantankerous, if dedicated, agitator and administrator whose reputation as inventor either of uniform penny postage or of the adhesive stamp must be shared with Wallace and others.

Another systematic revelation is that, as British postage stamps candidly declare, the Post Office has been a revenue-maker; indeed, whether as an Elizabethan monopoly or as the modern budget-maker's delight, it has been a notable engine of taxation. In the late seventeenth and the eighteenth centuries it carried a mountainous burden of pensions for royal bastards and favorites which amounted to about one third of the receipts. The £4,700 annuity which the Duchess of Cleveland passed on to the Dukes of Grafton, for instance, was com-

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muted for £91,000 as late as 1856. The younger Pitt and the Economical Reformers began to milk the cow more directly into the national treasury in 1784, and the net revenue had multiplied ten times by 1815. The net profit averaged ten million pounds a year between 1929 and 1939, in spite of repeated efforts to retain more for cheapening and improvement of the service. No Chancellor of the Exchequer could resist such easy money.

One general criticism of this study may be offered. The author employs a narrative method throughout, with topical digressions in parallel chronology and his own running commentary attached to the story. This sacrifices a certain amount of effectiveness which might have been obtained by more formal periodic assessments of the general, rather than personal, forces which were at work for change. The most desirable of these would be a discussion of the resolute demand for ever-expanding state service on the part of reputed nineteenth-century "laissez-fairists" which brought about nationalization of the privately owned telegraphs in 1868-69, and, when they began to falter before telephonic communication, of telephones in 1880, cables in 1889, and wireless after 1904. Telephone profits cancel telegraph deficits. Compare the present melancholy state of Western Union.

The illustrations and maps are numerous, excellent and appropriately placed. The Princeton Press has turned out another handsome book.

J. B. BREBNER

COLUMBIA UNIVERSITY

*Patterns of Union-Management Relations.* By FREDERICK H. HARBISON and ROBERT DUBIN. Chicago, Science Research Associates, 1947.—viii, 229 pp. $3.75.

This slim volume by the Executive Officer and the Manager, respectively, of the Industrial Relations Center of the University of Chicago, subtitled *United Automobile Workers (CIO). General Motors. Studebaker,* is a comparative analysis of the relationship between the U.A.W. and G.M., which is the "power center" of the automobile industry, and between this same union and Studebaker—a relatively small concern with but 12,000 employees as against almost 300,000 in G.M. In examining the constant exacerbations existing in the dealings between the U.A.W. and G.M., and by contrasting this state of affairs with the peaceful development and conduct

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of collective bargaining at Studebaker, the authors hoped to uncover basic principles which would account for the difference, and which would be applicable to all industries having a similar pattern of "power center" bargaining accompanied by smaller firms which exist and bargain in the peripheral shadow of the giant main cancern and the giant union.

After a brief introduction on collective bargaining in mass production industries, which was done jointly by the authors, Dr. Harbison plunges into the G.M. story in terms of the corporation and union programs and strategies, and the resulting union-management relationship. Dr. Dubin follows with similar material on Studebaker, and the two authors then meet again to add up the score and draw conclusions. The G.M. study covers the violence and bitterness which attended the birth of the union at this company's plants, management weakness in handling human relations, and most importantly the sharp conflict between the union and the company over the scope and nature of collective bargaining. To G.M., collective bargaining is a relationship pertaining solely to "wages, hours, and working conditions", with the latter concept interpreted in its narrowest sense. To the union, collective bargaining covers practically everything which affects the employees not only as workers, but as consumers and citizens as well. Thus the company is engaged in a perpetual battle to "contain" the union. This it has successfully done by defeating union attempts to broaden the functions of the impartial umpire, by insistence upon full exercise of "management prerogatives", by distinguishing between "bargaining with unions" and "dealing with our employees", and contesting with the union for the allegiance and loyalty of the workers through benefit plans, safety and health programs, and so on. The conflict is sharpened by the view of G. M. that it is acting not only for itself and its own interest, but in the interest of the preservation of the whole "free enterprise" system against the onslaught of a "radical oriented" union. At Studebaker, on the other hand, the union and the company look upon their relationship as a series of problems to be solved by whatever manner and means preserve the peace, more or less satisfy their human and economic needs, and keep the company operating in the black. Here are no shrill appeals to "principles", but rather a quiet consideration of facts; though it should not be overlooked that a major source of conflict, namely basic wages, has been removed from the arena by adoption of the "power center" decisions on this score.

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The authors have six concluding observations on G.M. and the U.A.W.: (1) the size of a company like G.M. makes it a logical focal point for concentrated union power; (2) bargaining between big corporations and big unions leads to internal centralization on both sides; (3) since the stakes are large, internal union politics enter the bargaining on the one side, while committee systems and so on complicate matters on the other; (4) day-to-day contract administration must be fairly formal and legalistic to be consistent; (5) areas of conflict usually overshadow areas of coöperation in labor-management power centers; and (6) such bargaining usually has political overtones involving the whole economic system. The general validity of some of these conclusions is open to questions. On points four and five for example, there are obvious contrasts at hand for the same union in its dealings with Ford, and for the Steelworkers in its dealings with U. S. Steel. The difference may well be related to variations in the "survival" values used by the different managements. The authors have read, and even cited, the work of Bakke [1] but they have not applied its lessons in generalizing their conclusions.

Finally, the work tends to be uneven in character. The G.M. canvas is painted in broad strokes, that of Studebaker in detail. The elucidation of the community background of the latter company, the high place the company holds in community and worker affections, the integration of the union into the community, and so on, have no analytical counterpart in the section on G.M. One would like to know what rôle the G.M. plants play in their communities—are they the despised "absentee corporation" of Warner and Low's monumental work [2]—and what influence, if any, does the community relationship have upon the company and the union? The book is well written and a valuable start on the company-by-company accounts which are necessary to any real understanding of the problems of collective bargaining in the modern economy; but many more such studies are needed before such broad conclusions are atempted.

HERBERT J. LAHNE

WASHINGTON, D. C.

[1] E. Wight Bakke, *Mutual Survival: The Goals of Unions and Management* (New Haven, 1946).

[2] W. Lloyd Warner and J. O. Low, *The Social System of the Modern Factory* (New Haven, 1947).

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*Insights into Labor Issues.* Edited by RICHARD A. LESTER and JOSEPH SHISTER. New York, The Macmillan Company, 1948.—viii, 368 pp. $4.00.

*Insights into Labor Issues* represents, according to its editors, some of the recent research done in the economic, psychological, social and political aspects of labor. It "indicates how understanding may be enhanced through analysis of underlying factors and how new insights may be gained through the application of new methods and approaches" (Preface, p. v).

The book consists of a collection of thirteen essays. The seventeen contributors are mostly engaged in academic positions in the field of labor economics. Many gained practical experience in labor-management relations during the war years in the W.L.B. or other government agencies.

*Insights into Labor Issues* is divided into three parts: "Labor Relations" (7 essays), "Wages and the Labor Market" (4 essays), and "Labor and Full Employment" (2 essays). The division is rather arbitrary, since each chapter grew out of the independent research of the contributors, and the editors disclaim any attempt to "coordinate" the work of the several authors.

There is, nevertheless, a common spirit that permeates most of the essays. The contributors appear to give the feeling of pioneering into new areas of research and study. Neil W. Chamberlain starts his essay, "Little attempt has been made in. . .the literature. . .to explain systematically the structural niceties of industrial government" (p. 62). Lester opens his chapter with the claim that "despite voluminous statistics and numerous studies, our knowledge of wages has remained largely superficial." John T. Dunlop makes the assertion that "despite all the epoch-making development in the field of labor organization in the past fifteen years, there has been virtually no contribution to the 'theory' and scarcely a reputable narrative of this period exists" (pp. 163-164). Similar statements could be multiplied.

Several chapters contain what appear to the reviewer to be unwarranted conclusions. Herbert R. Northrup presents an excellent description of collective bargaining by professional societies and the distinction between unions and professional organizations; but his conclusion that unionization of teachers and nurses will speed federal aid in the area of their activities does not seem convincing. Any widespread unionization among these groups will more likely appear in large cities where per capita income is higher than the rest of the country.

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Everett M. Kassalow discusses recently developed patterns in collective bargaining. He argues that the tendency has been toward greater formalization and standardization in the field. This was brought about by an increased professionalization. The conclusion that "increased social and political considerations on the part of the labor movement seem inevitable" (p. 133) appears questionable, however. Professionalization and bureaucratization of collective bargaining are just as likely to lead to more "business unions" rather than political activity.

One of the outstanding contributions is Lester's study on the "Results and Implications of Some Recent Wage Studies". It is supplemented with an essay by David R. Roberts on "The Meaning of Recent Wage Changes". Lester outlines the factors that enter into determination of wage policies of the individual firm. Of particular interest are the results of his own and others' investigation into regional wage differences and the multitude of factors determining the differentials.

Eugene Forsey examines the timely topic of the relationship between trade-union policy and full employment. He concludes that stable full employment will not be achieved unless the political power of unions is enhanced and "unless the unions keep pressing for it day in and day out". Adequate statistical information, "considerable public ownership", a ceiling on hours and a floor for wages, and a comprehensive system of social services and social security are other conditions necessary for achieving full employment.

In the final chapter of the book Clarence D. Long explores the effects of the various phases of the business cycle upon the total labor force. A penetrating examination of the available literature in the field is presented and the preliminary conclusions of the author's own research is set forth.

*Insights into Labor Issues* succeeds in raising numerous unresolved practical and theoretical issues in the field of labor economics. Space limitations permit the mention of only a few examplies: the discussion raised by Frederick H. Harbison, Robert K. Burns and Robert Dubin on a theory of the evolving patterns of labor-management relations; the examination by Dunlop of the determinants of the labor movement; and the conclusions arrived at by Lloyd G. Reynolds regarding the supply of labor to the individual firm. These, as well as the other studies, will, no doubt, stimulate further research in the field. Students of labor economics will do well to examine the volume carefully.

SAR A. LEVITAN

SAMPSON COLLEGE

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*Balance of Power: The Negro Vote.* By Henry Lee Moon. Garden City, Doubleday & Co., Inc., 1948.—256 pp. $3.00.

The Negro vote in 1948 could prove to be decisive in determining the outcome of important elections in several politically balanced states of the United States. In these marginal states, for example, New York, West Virginia, Ohio and Delaware, the electoral power of the Negro has been made clear to the skillful operators of party machinery. In this compact study of the political evolution of the American Negro, Mr. Henry Lee Moon endeavors to assay the rôle this minority group has played and is playing in the movement for the attainment of the franchise and its concomitant rights.

The author does not leave the impression that he prepared this tract for the primary purpose of delineating a program of action in an emotionally charged election season. He firsts sets forth the status of the Negro in the voting patterns of the American states prior to the outbreak of hostilities in 1861. At that time many state governments curtailed the suffrage rights Negroes had enjoyed during the colonial and early national period. Negroes were deprived of the right to vote in Delaware in 1792, Kentucky in 1799, Ohio in 1803, New Jersey in 1807, Maryland in 1810, Louisiana in 1812, Connecticut in 1814, Tennessee in 1834, North Carolina in 1835, Pennsylvania in 1838, and Florida in 1845. The author summarizes this aspect of Negro suffrage in our history by citing an excerpt from an article by Albert Bushnell Hart: "Thus in the 84 years from the Revolution to the Civil War, from Negro Suffrage in all but two out of thirteen Commonwealths, things had come to the point where he could vote only in the five New England states, and (under special restrictions) in New York."

After this cursory account, Mr. Moon launches into a detailed discussion of the Reconstruction story. The movements for the ratification of the War Amendments (Thirteenth, Fourteenth and Fifteenth), the contributions of white and Negro leaders to the advancement of the newly freed race, the economic and social factors making for the restoration of white rule in the South, and the adoption of the disfranchising constitutions in the Southern states late in the nineteenth century—these and other episodes of the era after the Civil War are subjected to careful analysis in the chapters on "The Experiment in Democracy" and "The Great Blackout".

Early in the twentieth century, the submerged Negroes of the United States found new opportunities. With the formation of the National Association for the Advancement of Colored People in 1909, under the aegis of Dr. W. B. DuBois and a coterie of distinguished

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libertarians, the Negro had at last acquired an effective agency through which to voice his desire for assimilation into the main stream of the American body politic.

The remainder of Mr. Moon's book is concerned with the political triumphs and setbacks of the Negro after the First World War. The section on "Grass-Roots Political Action" is perhaps the most vivid vignette in this volume. Some of the phenomena singled out for treatment are (1) Oliver W. Hill's precedent-shattering candidacy in Virginia, (2) the bigotry-ridden Jeffries-Frankensteen mayoralty contest in Detroit, and (3) the stirring in Harlem during the Goldstein-O'Dwyer mayoralty battle in 1945. These dramatic events are portrayed with the evident intention of revealing the extent to which the Negro is overcoming the barriers and prejudices standing in the way of his effective participation in politics.

The final chapters deal with the Negro vote in the crucial elections of 1948. The author's argument may be briefly summarized in his own words:

> The Negro's political influence in national elections derives not so much from its numerical strength as from its strategic diffusion in the balance-of-power and marginal states whose electoral votes are generally considered vital to the winning candidate. In the 1944 elections there were twenty-eight states in which a shift of 5 per cent or less of the popular vote would have reversed the electoral votes cast by those states. In twelve of these, with a total of 228 electoral college votes, the potential Negro vote exceeds the number required to shift the states from one column to the other. Two of these marginal states—Ohio with 25 votes and Indiana with 13—went Republican. The ten remaining states—New York, New Jersey, Pennsylvania, Illinois, Michigan, Missouri, Delaware, Maryland, West Virginia and Kentucky—gave to Mr. Roosevelt 190 electoral college votes essential to his victory.

In the main, the organization of the subject matter in this provocative tract is haphazard. The inclusion of too much commonplace material leaves its stamp on the study; and the economic determinist conceptions and interpretations of the author are open to challenge on scholarly grounds.

The implications of Mr. Moon's book, however, are so timely that we may overlook his literary inadequacies and functional errors. The status of the Negro needs to be emphasized; and Mr. Moon has rendered a service in clarifying and sharpening the dilemma of contemporary America. The American people will soon be cognizant of the potency of thirteen million articulate voices clamoring for a just share of the benefits of freedom and equality. Mr. Moon has given us a preview.

SAMUEL ABRAHAMS

BROOKLYN, N. Y.

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# BOOK NOTES

Few countries in the world have had a more varied experience in constitution making than has France, and fewer still have exerted as much influence as she upon the constitutions of foreign states. It is small wonder that French attempts to arrive at workable governmental arrangements have elicited the interest of many people throughout Western civilization, and especially the attention of a long line of distinguished scholars. In this latter company Gordon Wright, Associate Professor of History at the University of Oregon, should be given a place of importance. His work, *The Reshaping of French Democracy: The Story of the Founding of the Fourth Republic* (New York, Reynal and Hitchcock, 1948; x, 277 pp. $3.50), constitutes an accurate, impartial and analytical study of French efforts during the period after World War II to draft and adopt a new basic law of the land. It sets such a high standard that one may safely prophesy that no other study will surpass it for a long time to come. Professor Wright, as Third Secretary of the American Embassy in Paris, was detailed to follow the debates of the two constituent assemblies, and from his ringside seat he watched the long travail. His observations were keen, his contacts broad and his findings accurate. In his presentation he has made the main issues clear—a story which is enlivened by cryptic irony and a humorous touch. During the months in which the constituent assemblies strove to draft a new charter for France, three major schools of thought became firmly established. In the first place, there was the De Gaullist group, which wanted the reëstablishment of a republic, but with a strong executive. Secondly, there were the Communists, who demanded a weak executive and a unicameral legislature. Thirdly, there were the middle-of-the-roaders who urged a return to a form of government similar to that of the Third Republic, altered only enough to minimize ministerial instability. To secure a compromise from among these diverse factions was a hard task, but it was finally achieved because of the conciliatory attitude of the center groups, the untiring efforts of the great compromiser, Vincent



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Auriol, the fear of failure, and the necessity of having a government which could devote all its energies to reconstruction. Although the constitution for the Fourth Republic is fundamentally similar to that of the Third Republic, there have been profound changes in French political life. The most significant, Professor Wright believes, has been the establishment of monolithic parties, of which the Communist party has been the archetype. Its organization, discipline and methods have forced other groups to tighten their lines. The political question which faces France, and which will be paramount for some time to come, is whether or not monolithic parties can form effective and stable governmental coalitions.—SHEPARD B. CLOUGH, Columbia University.

As United States Ambassador to Poland during the crucial years of 1944-47, Arthus Bliss Lane had ample opportunity to study at first hand the objectives and methods of the Soviet government in eastern Europe. In *I Saw Poland Betrayed: An American Ambassador Reports to the American People* (Indianapolis and New York, The Bobbs-Merrill Company, 1948; 344 pp. $3.50), he tells how deeply he was disturbed by what he saw and why he decided to resign from his post in order to apprise the American people of what he had learned. Much of this volume is devoted to an intimate and detailed account of the means by which the Polish Communists seized control of the government at Warsaw and maintained themselves in power. In his daily relations with the Polish régime, Ambassador Lane was able to observe the extent to which the administrative system was controlled by Soviet policies and methods, particularly as regards the secret police and the army. He also had occasion to note the complete disrespect with which American interests and claims on the part of Poles to American citizenship were regarded by the Polish authorities. The culmination of the oppressive record in Poland, however, was the treatment of the non-Communist political groups by the dominant party. Mikolajczyk, and the other democratic opposition leaders, were from the start systematically prevented from engaging in political activity, and the firm police control exercised by the Communists was registered in the elections of January 19, 1948. As the title of his volume indicates, Ambassador Lane regards the Polish people to have been betrayed. Responsibility for this betrayal he places first on the Nazi-Soviet Pact of 1939 and on the policies pursued subsequently by the Soviet government. He also considers, however, that Churchill and Roosevelt

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must bear their share of the blame. In fact, the principal purpose of this volume is to warn the American people against making further compromises with the Soviet Union. Ambassador Lane believes that, even in the unlikely eventuality that it would lead to the Soviet withdrawal from the United Nations, the American government should undertake no further engagements which involve a sacrifice of human rights in other countries. Yet while the author makes a convincing case as to the extent and effectiveness of the Communist terror in Poland, he leaves unanswered a number of relevant questions concerning American policy. Did the American government really believe that Russia would willingly let eastern Europe again become a sphere of influence for the Western Powers as soon as Germany was defeated? How binding was in fact the Yalta Declaration—a brief verbal statement adopted by the Big Three almost without discussion? Ambassador Lane describes very forcefully the weaknesses and failures of American policy in Poland since the war. He does not, however, give the reader a very clear idea as to what other policy was practicable. Until some concrete alternative is presented to the American people, they are bound to remain rather uncertain as to our position in eastern Europe.—C. E. BLACK, Princeton University.

The war with Mexico has been the subject of many books. The centenary of the conclusion of that conflict makes a new volume timely. *Rehearsal for Conflict: The War with Mexico, 1846-1848* (New York, Alfred A. Knopf, 1947; xi, 342, x pp. $4.50) is the story of the actual military operations written by Alfred Hoyt Bill, who has long devoted his energies to the study of military tactics. While he gives emphasis to the actual operations and problems connected therewith, he at the same time presents revealing glimpses of the activities of the Administration at Washington. The title of the volume is derived from the fact that so many of the leaders in the Mexican conflict were later to have important rôles in the Civil War that broke over the nation in 1861. In telling the story and the part played by the participants, he indicates briefly the place they took in the later conflict. Besides the very complete details of the several campaigns, which were necessary for the successful conclusion of the war, the author describes the relations of the generals and other officers, the political ambitions which arose among them, and the jealousies and envies of many of the leaders, which led to bickerings and unseemly actions. The problems of organization, recruiting and

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training of the men are set forth, with particular reference to difficulties arising with volunteers. Along with this story there is presented an account of problems confronting the Administration in the conduct of the war. Politics seemed to appear at every turn. The thoughts, emotions and political ideas of President Polk played an important part in the situation. The approach of the presidential year was a factor seemingly always in the mind of everyone. Despite all the maneuverings the war made General Taylor the successful presidential candidate in the election of 1848, much to the dislike of Polk, who desired a Democratic successor. The descriptions of Scott's march to Mexico and the occupation of the city are most vivid. Joined with this is the story of the diplomatic moves which brought an end to the war. A selected bibliography is included. Written in a pleasing style, *Rehearsal for Conflict* is an informative and entertaining volume.—ROSCOE R. HILL, Washington, D. C.

American "utopian" thought not only has an obvious relationship to American thought in general; it has a striking relationship to American social experiment in particular. The values in "utopian" thought increase with study. A. E. Morgan's *Nowhere Was Somewhere* (1946) offered the arresting theory, vigorously considered, that utopias, so called, were not fanciful at all, but rather summaries of past experience. In the light of his examination—his analysis of More's *Utopia* was particularly original—not only does the difference between utopian fiction and utopian experiment diminish; both assume a more definite relationship to life as a whole. Mr. Morgan's book seems to have been somewhat neglected, and nowhere more surprisingly than in Vernon Louis Parrington, Jr.'s, *American Dreams: A Study of American Utopias* (Providence, Brown University, 1947; viii, 234 pp. $4.00), where it is not even mentioned. Mr. Parrington's study is a contribution to the field, in that it treats a considerable number of utopian works, mostly of the period after the Civil War, and reports on them intelligently. It would be a pleasure to say more of it. It is with regret that one must say that the task might have been more adequately done, in several ways, even for what it offers. For one thing, it is desirable that the term "utopia" be given some type of definition. Consider, for example, Daniel Denton's *A Brief Description of New York* (1670), essentially a tract advertising the advantages of colonization in the New World.

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Since it contained "lush" descriptions of America, Mr. Parrington treats it as utopian. Can it be equated with Oglethorpe's Georgia venture? Perhaps; but it will have to be on better evidence than is here offered. Or consider Hawthorne's *Blithedale Romance*, which is here discussed at length, and apparently as related to utopian writing. Since it offered a wry, disillusioned picture of life at Brook Farm, Mr. Parrington might have been well advised to consider the mother experiment itself, if only briefly, and if only to determine what "American Dreams" of the time consisted of, George Ripley's, as well as Hawthorne's view of the reality. But neither Noyes's *History of American Socialisms* nor Nordhoff's *The Communistic Societies of the United States*, nor, indeed, much of anything else, has been read, or, if read, used. Conceivably, Mr. Parrington might maintain that he was trying to distinguish between fiction and fact or program; but, if so, no consistent policy is discernible. The Townsend Plan is treated as utopian, so is Huey Long's *My First Days in the White House*, and so are other phenomena which might or might not be deemed fanciful or utopian. It is evident that one must take the present study for what it has to offer, namely a partial survey of utopian and quasi-utopian writings. To be sure, these have not always been selected with discrimination. We could have dispensed, I think, with a discussion of Hilton's *Lost Horizon*. Occasionally, the language is at least slipshod, as when the author states of the muckrakers: "Their articles were carefully documented and thoroughly libelous" (p. 183).—LOUIS FILLER, Antioch College.

The year 1945 changed the focus of the study of modern communism. Before the end of World War II such a study was, with the exception of Russia, one of political parties and programs. Today that study deals with governments. This is the most obvious measure of the advance of international communism in recent years. What now haunts Europe is no longer a specter—it is the very substantial entity of the U.S.S.R. and many other countries dominated by the Communist party, and the threat of this movement in the rest of Europe. This change in the status of communism from political party to government has occurred so rapidly that adjustment to it has not been easy. Martin Ebon's *World Communism Today* (New York, Whittlesey House, 1948; viii, 536 pp. $4.50) is written under the older orientation, for it is a survey of Communist parties in the *struggle* for political power rather than in its *exercise*. Although it is journalistic in style and perspective (notwithstanding the

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brief historical account of Marxism, the Internationals, and the individual national parties), it is a valuable addition to the very few useful studies of the Communist movement. Since it is overwhelming in its scope, covering Communist activities all over the world, the book would require a corps of specialists for its full evaluation. This reviewer, however, can at least attest to its general accuracy on the Comintern and the Communist parties of the United States and the major European countries. In trying to account for the appeal of Russian-inspired communism, Mr. Ebon stresses the "millenium-old struggle for human security" and the "psychological effect" of the successes of the Russian régime itself. He asserts that communism may well win "the struggle for world domination" and that the great test of its strength will come with the next serious economic crisis. To defeat communism Mr. Ebon recommends not its outlawry but the execution of a program of social reform designed to reduce its appeal to the exploited classes and nations. "The answer", he says, "is security with liberty; bread with freedom, rather than at the price of freedom." There are two problems about this plan to meet the challenge of communism. First, has the political and industrial leadership of the West the foresight and intelligence to carry it through, and, if not, has Western democracy the wisdom and vitality to force its leadership to adopt this course? Second, does the program accurately assess the distinct forces represented in (1) the ideological appeal of world communism and (2) the imposing fact of the power of the Soviet Union and other governments dominated or influenced by Communist parties? In the easy acceptance of the thesis that social reform will remove the Communist challenge there lies the possibility that the challenge is underestimated, or that its precise location is miscalculated. Social reform, though desirable for its own sake and as an answer to violent solutions in the remaining free countries of the West, does not seem to meet that part of the Communist challenge embodied in the third of Europe now impelled by the aggressive ideology of the Soviet Union.—MORROE BERGER, Columbia College.

*Democracy and Progress*, by David McCord Wright (New York, The Macmillan Company, 1948; xvii, 220 pp. $3.50), is another attempt to defend the free-enterprise system. In the Preface, the author advocates a new approach which "cuts squarely across current political and economic groupings". He claims to synthesize the relationship between "ballot-box" democracy and "ethical

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democracy" and to outline the social and economic requirements necessary to achieve both. The volume hardly justifies the claims. In vain does one look for any startling or new thesis in its 220 pages. Professor Wright starts with the assumption that material progress is a desirable social end. The basis of economic progress depends on science and technology. The competitive economic market furnishes "the best framework within which democratic progress could take place" (p. 195) and is a necessary condition for the survival of democracy. The author, however, fails to show why economic progress, as well as science and technology, could not flourish equally well under a planned economy. He then turns his attention to "the forces which are choking off economic progress in modern democracy" (p. 103). These forces are business monopoly, union sabotage and international restrictions, and Dr. Wright clearly sees the dangers they pose for the free-enterprise system. In fact, his estimate of the rigidities created by "Napoleonic labor leaders" will be considered exaggerated by many readers. On the other hand, he seems overcomplacent in his acceptance of "self-limiting tendencies" on big-business growth based solely on the example of United States Steel, and in his attempted justification of the sweatshop on both economic and ethical grounds. The latter point provides an excellent illustration of semanticism in which the author occasionally indulges. Numerous other "economic truths" expounded by Dr. Wright could be similarly questioned. He nevertheless recognizes the difficulties in achieving economic stability in modern democratic capitalistic society. He rejects "conservative" policy which is vaguely identified, and "ultraliberal" policy which is "exemplified in such names as Henry Wallace, William H. Davis, and Robert R. Nathan." He identifies himself with a group of economists who "feel that social and political consequences of 100 per cent planning . . . are so serious that it is better to seek a more modest goal" (p. 182). He believes that "the combination of social security, unemployment benefits, and judiciously distributed public works will give a degree of stability and security never before achieved" (p. 190). The conclusion may be correct, but one would like more substantial arguments for it than the author provides. While *Democracy and Progress* falls short of its promise to present an integrated analysis of the free-enterprise system and its relation to democracy and progress, it is in parts provocative and stimulating. The first few chapters which outline political and social standards of democratic progress are of

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greatest interest. But the author's claim that "all parts of the book are closely interdependent" and that "the message of this book cannot be understood unless it is read as a whole" may be taken with some reservation.—SAR A. LEVITAN, Sampson College.

*The Great Northwest: A History*, by Oscar Osburn Winther (New York, Alfred A. Knopf, 1947; xv, 383, xxv pp. $3.40, text; $4.50, trade), is a regional history. The place with which it deals is the area that was known to diplomatists in the years from 1825 to 1846 as the Oregon country. Bounded on the north by the parallel of latitude 54° 40′, on the west by the Pacific Ocean, on the south by the parallel of latitude 42°, and on the east by the Continental Divide, this region now includes the western half of the province of British Columbia, the states of Washington, Oregon and Idaho, and parts of Wyoming and Montana. In size it is equal to about one fifth of the present continental United States. Mr. Winther's study begins with a description of the Oregon country and its inhabitants as they existed at the time of the arrival of the white man in the late eighteenth and early nineteenth centuries. It continues with a chapter on early exploration and four chapters on the fur trade—Canadian, British and American. Early settlement, the beginnings of self-government, the dispute between the United States and Britain over sovereignty, and the coming of statehood to Oregon are next dealt with. The remainder of the volume—more than half—is devoted to various separate aspects of more recent Northwest history. Here are treated such topics as later settlement, transportation, culture, mining and other industries, reclamation of wastelands, development of hydroelectric power, government and political trends, racial statistics and the growth of cities. Almost a third of the book is concerned with the twentieth century. The text is liberally supplemented with illustrations and maps. The former range from pictures of natural scenery and Indian types, to views of contemporary power dams and cities. The latter include charts showing the principal developments in commerce, politics, agriculture, travel routes and population. There is a large and classified bibliography introduced by a critical historiographical note. The sources are listed separately for each chapter and are divided into "contemporary" and "modern" accounts. Manuscript material is not included. This is undoubtedly the best book at present available on the subject concerned. Besides being reliable and up-to-date, it is readable, unbiased and well pro-

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portioned. Critics might object that the style smacks at times of the vague, careless circumlocution of the frontier; that thorny questions are avoided or left unsettled; that some topics, like the later history of British Columbia, are not given adequate treatment. Such criticisms, though just, being mostly of a minor character would emphasize the essential soundness and indispensability of the volume as a whole.—JOHN PERRY PRITCHETT, Queens College of the City of New York.

*Depression Decade: From New Era Through New Deal, 1929-1941* by Broadus Mitchell (New York and Toronto, Rinehart & Co., Inc., 1947; xviii, 462 pp. $4.00) is a penetrating analysis of economic developments in the United States from the stock market crash to the Japanese attack on Pearl Harbor. At a time when many leading members of the Roosevelt administration are waging a war of memoirs, Mr. Mitchell maintains a commendable objectivity which will prove satisfactory to neither the friends nor conservative opponents of the New Deal. The author views the New Deal as an attempt to revive and perpetuate an economic system which had already demonstrated that it was hardly worth saving. Nor are other criticisms of the New Deal lacking. Mr. Mitchell refers to the "confusion explicit in the New Deal"; describes it as "grandly opportunistic"; points out the numerous contradictions in its policies; and emphasizes that it failed to achieve its major objectives of ending unemployment and restoring prosperity. On the other hand, he gives full credit to the New Deal for the "self-confidence" which it inspired in the American people, and he correctly concludes that the "main significance of the New Deal was moral rather than economic." Despite the difficulties inherent in the study of such a recent and controversial period, Mr. Mitchell has been able to achieve a genuine historical perspective, work out an over-all synthesis, and arrive at conclusions which are based on facts gathered from a wide variety of sources. *Depression Decade* maintains throughout the high standards established by Fred A. Shannon and George Soule in their earlier volumes in the Rinehart series on American economic history.—HAROLD C. SYRETT, Columbia University.

*Foundations of Economic Analysis,* by Paul A. Samuelson (Cambridge, Harvard University Press, 1947; xii, 447 pp. $7.50), is an attempt on the part of one of the most brilliant of contemporary young economists to "unify large sectors of present day economic

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theory" by bringing to light "formal uniformities" of analysis in various areas of economic theory. The analysis is largely mathematical and the title of the book should not mislead neophytes into tackling it, since to follow the argument requires at least a knowledge of matrices and difference equations, as well as an intensive grounding in economic theory. The book does much to bring together and unify various propositions that previously have been scattered throughout the literature. The use of mathematics in economics is that of a system of formal logic; mathematical economists are fond of claiming that any economic theorem which can be expressed in literary terms can be translated into mathematical terms, while many propositions which can easily be demonstrated mathematically can be demonstrated only clumsily, or not at all, in literary terms. No one conversant with even elementary mathematical economic analysis would deny the tremendous advantage of mathematical analysis of certain types of problems. The type of analysis demonstrated in this book is on a highly abstract plane, and necessarily is based, as is much of our contemporary economic theory, upon very general assumptions. The conventional equilibrium analysis of single economic units, for example, rests upon the assumption that the conditions of equilibrium are equivalent, in Samuelson's phrase, to the maximization or minimization of some magnitude. The conclusions arrived at are as general as the assumptions, with the result that frequently little is added to our understanding of how the economic system actually operates in the performance of its essential functions. This is only to say, however, that much more than mathematical analysis is required for an understanding of economic processes and relationships among economic phenomena.—LYLE C. FITCH, Wesleyan University.

A study of rural sociology in Argentina—*Rural Life in Argentina* (Baton Rouge, Louisiana State University Press, 1948; xx, 464 pp. $6.00) by Carl C. Taylor—inevitably encompasses factors pertinent to the historical evolution and present situation of that key area. Based on thirteen months of field work including interviews with some 120 representative farm families, the volume includes segments on type-farming areas, population and immigration, historical evolution of agriculture and rural life, ownership and distribution of land, rural isolation and community life, standards of living, home and family life, colonization, agricultural reform, and farmers' organizations. Brushing aside area involved and economic significance, the author notes (p. 112) that "75 per cent of all farms are primarily

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family operated" (not owned), and most of what he says is concerned with their operators. Regarding population, he notes the immigration trends of the past 75 years and the fact that the ethnic composition of the population is today more Italian than Spanish and overwhelmingly southern European. He concludes that for the area to be able to absorb a larger population (p. 86) a radical change involving a less extensive system of agriculture would be necessary, namely, the colonization by family-sized farms in areas adaptable to diversified farming. Directly related is the author's analysis of the area's land ownership and distribution problem. In addition to the historical development of large landholdings, Dr. Taylor indicts the excessive value of land and the fact that Argentina depends on low-cost agricultural production to maintain her world competitive position as current forces bulwarking the land monopoly and the maintenance of a landed aristocracy. That a wider distribution of land ownership would facilitate a more democratic social order and that relatively low-cost export products still might be maintained cannot be denied. However, the limitations imposed by a world market declining in rate of expansion and perhaps nearing a limit are not considered. This is, perhaps, also a limiting factor for the supplementary recommendation that the development of industry offering alternative investment opportunities would serve to deflate land values. In over eighty charts and figures, available statistical data have been coördinated, and Dr. Taylor's concise analyses exhibit necessary caution. The author employs developments in the United States, particularly relative to population and immigration, for comparative purposes. Minor objections might be raised to the repetition of several incidents; to such unsupported assertions as "[the agricultural peon] is not a 'domesticated gaucho" as is often averred or implied" (p. 424), "the Argentine farmer is not a domesticated gaucho" (p. 432), and "relatively little of the lands had at that time [1820's] been allowed to pass into the hands of large holders" (pp. 88-89); and to the failure to delineate the significant position and rôle of the city of Buenos Aires in the nation's history and life. For historical material the author relies heavily on José Ingenieros, Alejandro Bunge, Mark Jefferson, and Ricardo Levene. The difficulty of securing works does not obviate the desirability of including a complete bibliography. This work concludes with an epilogue including data from the school census (1943) and the population census (1947) undertaken since the author left Argentina as well as a summary of the Five Year Plan instituted last year by the government.—STANLEY R. ROSS, Brooklyn College.

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*England: A History of the Homeland* (New York, W. W. Norton and Company, 1948; 597 pp. $5.00) by Henry Hamilton, a professor of political economy at the University of Aberdeen, appeared originally in Great Britain under the editorship of Lancelot Hogben, in a series including his *Mathematics for the Million.* The series title, "Age of Plenty", is not indicated in the American edition, though alluded to in the preface of Hamilton's volume. This history of the British Isles is on a new plan, in conscious opposition to the more conventional historical surveys where, so feels the author, the idea has been too often dominant that history is "past politics", that "nineteenth-century obsession." (?) He has sought to avoid sectional or nationalistic history where the rivalries of "nation-herds" have been too prominent and provocative. The result is an account that underlines the social and economic changes in Britain's past. The work is divided into five parts: "Our Needs", "Our Work", "Human Relations", "Other Human Beings" and "Our Institutions". The result is stimulating and suggestive. Each section is handled in a roughly chronological manner, more in the form of an essay from the economic point of view. The parts often have much unrelated material, all pointing to some major interest of our own day, but are handled in an enthusiastic Wellsian manner. The treatment of the parts does not furnish much integration, save that each reaches back into the past but gives the major attention to recent times and current problems. The historian's supposed "phobia for dates" is consciously played down. Instead, the volume is sprinkled liberally with time charts that, to the reviewer at least, are not very helpful, as the relation of the lines of development in a chart are not clearly brought out despite a liberal use of arrows and lateral connecting lines. The volume has a large number of unusual and suggestive illustrations. J. F. Horrabin's maps—he also prepared the time charts—are interesting cartographically, but have little relation to the text. They are mostly concerned with oversea areas, save one on the English enclosure movement and another showing the Scottish burghs in 1707. On the other hand, some ten maps of the United States are included, treating of economic changes that might well have been shown by maps of the homeland. Perhaps the chief value of the volume is the very heavy emphasis given to the place of Scotland in the economic development, much more than is customary in a general British history. One need not quarrel with this, if the same attention had been given to Wales and Ireland. This arresting and somewhat emotionalized *History of the Homeland* does not supersede, in the reviewer's opinion, such economic histories as those of Lipson

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and Clapham, or the briefer treatments such as Trevelyan's *Social History*, for example, or the excellent economic and social sections of the *Oxford History of England*.—HOWARD ROBINSON, Oberlin College.

Ten years ago in *Behind the Ballots* James A. Farley wrote of his career as the admiring collaborator of President Roosevelt. Now in *Jim Farley's Story: The Roosevelt Years* (New York and Toronto, Whittlesey House, McGraw-Hill Book Company, 1948; xii, 388 pp. $3.50) with the help of Walter Trohan of the *Chicago Tribune*, he rewrites and extends to 1945 his autobiography as Roosevelt's disappointed rival for the 1940 nomination. Intimate glimpses of the President this time do not make up a flattering portrait, but neither are they quite convincing because so many of the direct quotations do not ring true. A task of historians of Roosevelt will be to place accounts of private conversations with him published by Farley and many another memoir-writer beside the notes they actually made at the time to see whether so many of the President's friends and his son Elliott were as skilled as court stenographers. More valuable than the material on Roosevelt is Farley's revelation of his own character and part in great affairs. In his earlier book this likable politician's limitations were partly hidden by an infection of zeal for the New Deal crusade. In the present work the narrowness of one who equates party interest with statesmanship is exposed even more completely than the author in his honesty intended. Thus he sees in the 1938 "purge" campaign only the danger to party unity and nothing of the significance of the President's aim to make party lines correspond with political philosophies. Personal revenge is the only motive Farley imputes to Roosevelt in the affair. He will not admit that the Fall of France influenced the decision to run for a third term. The President's attempt to interest Farley in broad issues is mentioned only to be mocked at as "said in ringing tones as though he were on the platform" (p. 185). Yet the sincerity of Farley's ideal of party loyalty was proved by the manner of his break with Roosevelt, more remarkable as so few found it possible to oppose that leader with any magnanimity. For magnanimity of a higher order one may turn to the recent memoir of Henry L. Stimson. The former Postmaster General's book is evidence that he would have done best to accept Roosevelt's early advice to run for governor of New York or senator because as presidential timber he lacked a background of statesmanship.—BASIL RAUCH, Barnard College.

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"A Primer in Administrative Law" might have been a more appropriate title for Milton M. Carrow's *The Background of Administrative Law* (Newark, Associated Lawyers Publishing Company, 1948; ix, 214 pp. $5.00). While the scholar in administrative law will find nothing new in the volume, the student just being introduced to the subject or anyone wanting a short summary will find the book very helpful. Mr. Carrow has explained present concepts and controversies in administrative law clearly and concisely. In a total of 166 pages he has covered a wide expanse without distortion, with no special pleading, and with a minimum of personal opinion. For example, he ventures no guesses about the interpretation which the courts may give to the Federal Administrative Procedure Act of 1946, although he mentions its provisions at several points and includes the entire act as an Appendix. Indeed, the author at all times eschews controversy in order to be purely didactic. It seems unfortunate that so small a book with such potentiality of great usefulness to students both of government and of law should be priced so high.—JOHN D. MILLETT, Columbia University.

Writing about the history of the United States in the last few years seems to require either a sense of humor or a sense of indignation. Neither is a conspicuous quality of Frank McNaughton and Walter Hehmeyer's *Harry Truman, President* (New York, Whittlesey House, 1948; vi, 294 pp. $3.00). Their book is a sober record of facts which is perhaps better than most journalistic books about current political personalities, but it has not a trace of the kind of imagination that has made Dwight McDonald's headlong assault on Henry A. Wallace or Richard Rovere's recent articles in *Harpers* on Republican aspirants such good and illuminating reading. This, at any rate, is not an intensely partisan book. It represents an attempt to exercise discriminating judgment, to balance the books very carefully. Witness this evaluation of Mr. Truman: "It is highly debatable whether under the prevailing circumstances any President could have done better. . . .His mistakes have not been few, but they have been of the head and not of the heart. . . .On his political ledger there are not a few debits, but there are entries on the credit side to more than offset them. If Harry Truman has not evoked admiration, he has aroused respect. . . .That he has labored hard and sincerely is undeniable; whether he has succeeded only the future can tell."—RICHARD HOFSTADTER, Columbia University.

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*Heirs Apparent: The Vice Presidents of the United States* (New York, Prentice-Hall, Inc., 1948; vi, 314 pp. $3.75) by Klyde Young and Lamar Middleton consists of brief sketches of the lives of each of the thirty-four vice presidents of the United States. As the subject of each short biography has either been treated more ably in full-length studies or been ignored because of insignificance, the book has little to offer the general reader or the serious student. The authors use no footnotes and present only an abbreviated bibliography; but these are minor omissions, for the material in this book has been taken from the most commonplace sources. *Heirs Apparent* contains neither a thesis nor conclusions other than the implication that American vice presidents have had diverse backgrounds and that John Adams was correct when he wrote that the vice presidency was the "most insignificant office that ever the invention of man contrived."
—HAROLD C. SYRETT, Columbia University.

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